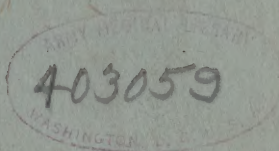


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## **STATE BOARD OF HEALTH**

### **CHAPTER 310, LAWS 1926**

#### **State Board of Health—Members—How Chosen**

The State Board of Health shall consist of ten members as follows: Nine appointive members and one elected by the State Board of Health, who shall be known as the executive officer. Eight of the appointive members shall be regular qualified physicians of the state and members of the state medical association. They shall be nominated to the governor by the state medical association, three from each congressional district in the state, from which number the governor shall appoint one from each congressional district. The said appointments to be confirmed by the senate. One appointive member shall be a dentist of the state and a member of the state dental association. The state dental association shall nominate to the governor three dentists from the state at large, from which number the governor shall appoint one, the said appointment to be confirmed by the senate. The member of the dental profession so appointed to serve for a period of six years. Whenever any vacancy among the appointed members of the board shall occur, the governor shall fill the same by appointment upon a recommendation of the state medical or state dental association, respectively, at the next regular meeting, as hereinbefore set forth, to fill the said unexpired term. The terms of office of the appointed members shall each be six years; three of which shall expire January 1, 1932, three January 1, 1934, and three January 1, 1936, and thereafter the appointment shall be made so that each member shall serve the full term of six years. (7024 Miss. Code 1942).

### **CHAPTER 313, LAWS 1924**

#### **Board Created, Oath of Members**

Each person appointed as a member of the State Board of Health shall immediately take the oath prescribed by Sec. 268 of the constitution and file a certificate thereof in the office of the secretary of state, and thereupon a commission shall be issued to him under the terms as specified herein. (7025 Miss. Code 1942).

### **CHAPTER 270, LAWS 1944**

#### **President and Executive Officer—How elected**

At the first meeting of the State Board of Health after organization the board shall proceed to elect a president from among its members,



and an executive officer who shall be a physician versed in bacteriology, hygiene, sanitary science, and otherwise fitted and equipped to execute the duties incumbent upon him by law, and who shall not engage in the practice of medicine. The executive officer shall be, by virtue of his election a member of the State Board of Health and shall be the secretary of the board and committees appointed or created by the board. The term of office shall be six years and the salary of the executive officer and secretary shall be under the jurisdiction and determined by the State Board of Health, provided, said salary shall not exceed \$7,500.00 a year. The executive officer shall be vested with all the authority of the board when it is not in session and subject to such rules and regulations as may be prescribed by the State Board of Health, and for cause may be removed on majority of the appointed members. (Not Coded. Previously 7026 of Miss Code 1942).

#### CHAPTER 483, LAWS 1946

##### **Venue of Actions against State Board of Health**

The venue of actions against the Mississippi State Board of Health wherein said board is a defendant shall be in Hinds county. (Not Coded).

#### CHAPTER 431, LAWS 1946

##### **Injunction to Prohibit Practicing Profession**

Section 1. An action for an injunction may be brought and maintained in the name of any state board authorized to hold examinations and grant license to practice any profession to enjoin and prohibit any person from the practice of any profession required to be licensed by said board, when such person is practicing said profession and has not been granted a license therefor.

Sec. 2. That said action for injunction shall be filed and heard either in the county in which the defendant resides or in which he practices the profession sought to be enjoined, and no bond shall be required, and no damages, fees or other costs shall be taxed against said board for the bringing of such suit. The court or judge shall not issue a temporary restraining order or injunction under this act, but shall hear and decide said matter on its merits either in term time or vacation as soon as possible. The provisions of this act shall not be construed to affect persons practicing chiropractic, drugless healing other than surgery, osteopathic or veterinary science.

Sec. 3. The authority conferred by this act is in addition to and supplementary to all other statutes, civil and criminal, dealing with



the subject matter herein, and the institution and prosecution of any action shall not preclude the institution and prosecution under any other appropriate civil or criminal statutes dealing therewith. (Not Coded).

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### **Power to Appoint Executive Committee**

The State Board of Health may elect or appoint an executive committee, to be composed of three of its members, with a chairman to be designated by the board from the members appointed on said committee; and said executive committee shall have authority to execute all the powers herein vested in said board, in the interim of the meetings of said board; and any action of said executive committee shall be legal and binding until modified or annulled by said State Board of Health, and all pains and penalties prescribed for violating the rules of the State Board of Health shall apply to any violation of the rules and regulations that may be prescribed by said executive committee. Any two members of the executive committee shall be a quorum for the transaction of business. (7027 Miss. Code 1942). (Chap. 68, Laws 1896).

### **Power to Make and Publish Rules**

The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objects of its creation, and reasonable sanitary rules and regulations, to be enforced in the several counties by the county health officer under the supervision and control of the State Board of Health. (7031 Miss. Code 1942).

### **Penalty for Violating Rules of The State Board of Health**

Any person who shall knowingly violate any of the provisions of this chapter, or any rule or regulation of the State Board of Health, or any order or regulation of the board of supervisors of any county herein authorized to be made, shall be guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding fifty dollars, or imprisoned in the county jail not more than one month, or both. (7053 Miss. Code 1942).

### **Meetings**

The State Board of Health shall meet, when necessary or advisable, at such times and places as it, by rule, or its president by call, may designate. (7028 Miss. Code 1942).

### **Compensation of Members**

Each member of the State Board of Health shall be paid the actual necessary expenses incurred by him in attending the meetings of the board and per diem of three dollars for each day actually spent in the discharge of his duties. (7048 Miss. Code 1942).

### **Compensation of the Secretary**

The secretary of the State Board of Health shall receive as compensation five hundred dollars a year, payable quarterly. (7049 Miss. Code 1942).

### **Compensation and Expenses—How Paid**

The compensation of the members of the State Board of Health, and of the secretary, and all expenses incurred by the board in discharging its duties and enforcing its powers, are payable out of such appropriation of money in the state treasury as the legislature may from time to time make for the use of said board; but the auditor shall not issue a warrant therefor until the same shall be certified by the president and secretary of the board as correct, and approved by the Governor. (7050 Miss. Code 1942).

### **General Duties**

It is the duty of the State Board of Health to supervise the health interests of the people, to investigate the causes and means of prevention of endemic and epidemic diseases; the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary condition of schools, prisons, public institutions, railroad and street cars, and all buildings and places of public resort and to recommend such measures of sanitation for them as it may deem advisable and to prescribe rules and regulations for the conduct of county health officers; to require of the county health officers, of municipal boards of health, of physicians, of the managers or keepers of schools, prisons, public institutions and buildings or places of public resort, such sanitary information as may be useful; to collect and preserve such information relating to diseases and deaths as may be useful in the discharge of its duties and to advise the state and all local governments in all hygienic matters. The board shall cause its secretary to keep a complete record of all its transactions and to preserve all books, papers, documents, reports, and correspondence and other matters pertaining to its business. (7029 Miss. Code 1942).

### **Duty to Make Report**

It is the duty of the State Board of Health to make a report, in writing, to the governor, on or before the first day of October next preceding each regular and special session, not an extraordinary session of the legislature, upon the sanitary condition, prospect, and needs of the state, setting forth the action of said board, of its officers and agents, the names thereof, and all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease; and the report shall be laid before the legislature by the governor at its ensuing term. (7030 Miss. Code 1942).

### **The State Board May Prescribe Quarantine Regulations**

The State Board of Health shall prescribe quarantine regulations as to passenger and freight traffic of all railroads and common carriers that enter into or operate within the limits of the state, and its jurisdiction in such matters shall be paramount and exclusive. This power, however, shall only be exercised in order to permit travel and commerce, to allow necessary stops at grade crossings, turntables, water tanks and coal chutes, and to pass persons or things through and beyond the lines of any quarantine maintained by any county or municipality of the state, and shall not be exercised so as to lodge or stop within the lines of any municipal or county quarantine any person or thing excluded by such quarantine, except so far as may be necessary to enable it to investigate any reported case of yellow fever or other contagious or infectious disease, to put in quarantine any infected point, and to establish relay and detention camps. (7045 Miss. Code 1942).

### **Disinfection and Sanitation of Public Buildings—State Board of Health to Make Rules and Regulations**

It shall be the duty of the State Board of Health, and they are authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings, railroad depots and all railway coaches and sleeping cars operating in the State of Mississippi. (7054 Miss. Code 1942).

### **Sanitary Code for Public Buildings**

It shall be their duty and they are authorized and empowered to prescribe a sanitary code which shall contain and provide rules and regulations of a general nature for the improvement and amelioration



of the hygienic and sanitary condition of said public buildings, railroad depots, railway coaches and sleeping cars. (7055 Miss. Code 1942).

### **Officers in Charge of Public Buildings to Obey Orders of State Board of Health**

Every person having control of any public building, railroad depot, railway company, sleeping car company or other corporation, company or individual, or the receiver thereof, engaged in the carrying of passengers in this state, shall at their own expense within a prescribed time after receiving notice from the State Board of Health of the promulgation of the rules and regulations in the preceding section mentioned, carry the same into effect. (7056 Miss. Code 1942).

### **Penalty for Violation**

If any person having control of any public building, or any agent, manager, operator, employee or receiver of any railway company, sleeping car company or any individual shall fail to comply with the provisions of the preceding section and the rules and regulations promulgated by the State Board of Health under the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than two hundred dollars. (7057 Miss. Code 1942).

### **Sanitary and Quarantine Service**

The State Board of Health, when deemed necessary, may appoint committees and engage suitable persons to render special sanitary service, to make practical or scientific examinations requiring expert skill, to supervise and enforce quarantine, to inspect vessels or other things or objects which the board may deem necessary to be inspected, and to aid in anything necessary to enable the board to effectually perform its duties and enforce its powers. (7046 Miss. Code 1942).

## **COMMUNICABLE DISEASES**

### **Quarantine**

The power to establish quarantine is vested in the State Board of Health; and whenever said board deems it necessary to prevent the introduction or spread of yellow fever or other infectious or contagious disease, it may establish quarantine stations at such places as it may deem advisable. The Board of Supervisors of any county, at the expense of the county, may establish local quarantine respectively when necessary to protect against such diseases, and may enforce the same by reasonable rules and regulations; but such local

quarantine and rules and regulations, and those made by a city, town, or village, shall be subject to the action and consistent with the rules and regulations of the State Board of Health, which may alter, amend, or supersede the same. (7038 Miss. Code 1942).

### **Epidemics**

When yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious diseases shall make their appearance in the state, the State Board of Health shall take charge of the infected district or locality, and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of disease or to suppress it. The presence of any two members of the executive committee of the State Board of Health shall constitute a quorum for the transaction of business, and all official meetings of the executive committee of the State Board of Health, as to time and place, shall be held pursuant to a call of the president of the State Board of Health. It shall be the duty of every practicing or licensed physician in the State of Mississippi to report immediately to the secretary of the State Board of Health every case of yellow fever, cholera, dengue, smallpox, or other virulent epidemic contagious disease that occurs within his practice. (7039 Miss. Code 1942). (Page 93, Laws 1898).

### **Physicians to Report to State Board Cases of Contagious Diseases**

Every practicing or licensed physician shall report immediately to the secretary of the State Board of Health every case of yellow fever, cholera, dengue, smallpox, or other virulent epidemic contagious disease that occurs within his practice, unless the State Board of Health shall otherwise direct. Any practicing or licensed physician, wilfully failing to so report shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors. (7040 Miss. Code 1942).

### **Penalty for Falsely Disseminating Rumors of Contagious Diseases**

Any person or persons, who shall falsely and maliciously disseminate or spread rumors or reports as to the existence of yellow fever, cholera, dengue, smallpox, or other virulent epidemic contagious diseases in any portion of this state shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law for misdemeanors. (7041 Miss. Code 1942).

### **Upon Receiving Report, Investigation to be Made**

Upon receiving information that there is any case of yellow fever, cholera, dengue, smallpox or other virulent epidemic contagious

diseases in any portion of this state, the secretary of the State Board of Health shall order the proper county health officer, or other competent physician, to proceed immediately to said place and investigate the reported case, and to report to the secretary the result of his investigation. The secretary shall at once declare any infected point to be in quarantine under a competent physician as state health officer, and shall notify the president of the State Board of Health, who, if practicable, shall call a meeting of the State Board of Health for its consideration. The state health officer shall have power, and it shall be his duty, in accordance with the quarantine regulations of the State Board of Health to impose any and all such restrictions upon ingress and egress at an infected locality, and to so control the population of said infected locality as to the disposition thereof as shall best protect it, and at the same time prevent a spread of the infection.

But this shall not prevent passengers from being transferred under guard from one railroad to another at railroad junctions. (7042 Miss. Code 1942).

#### **Governor May Provide Board of Health with Requisite Means**

The governor may, if he deems it wise and proper to do so, furnish the State Board of Health with requisite means to enforce its quarantine regulations, including such armed forces from the national guard or militia of the state as may in his judgment be necessary. The national guard and militia shall, however, at all times be under the direction and command of the governor. (7043 Miss. Code 1942).

#### **State Board of Health May Call Upon the Federal Government**

The State Board of Health, with the consent of the governor, when it deems it proper or necessary to do so, may call upon the government of the United States for such financial and medical aid as the necessities created by any epidemic may require. (7044 Miss. Code 1942).

#### **Contagious Diseases—Importation and Inoculation**

If any person shall wilfully and knowingly import or bring into this state, or into any county thereof, from another county, the smallpox, or any other contagious or infectious disease or matter thereof, with the design to spread the same by inoculation or otherwise, or shall inoculate, or procure inoculation, for said diseases, or any or either of them, after such disease may have been introduced, except as provided by law, the person so offending shall, on convic-



tion, be fined not more than two thousand dollars, and be imprisoned not more than one year in the county jail or both. (2060 Miss. Code 1942).

### **Contagious Diseases—Smallpox Patient Not to Go Abroad**

A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both. (2061 Miss. Code 1942).

### **Contagious Diseases—Exposing or Selling or Using a Glandered Animal**

If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both. (2062 Miss. Code 1942).

## **CHAPTER 234, LAWS 1922**

### **Nuisance—Who May Bring Proceedings**

The State Board of Health, when informed by a county health officer or otherwise, of the existence of any matter or thing calculated to produce, aggravate, or cause the spread of any epidemic or contagious disease, or to affect injuriously the health of the public or community, may declare the same a nuisance, and when it does so, it shall notify the district attorney, county attorney, municipal attorney, county health officer, municipal health officer or town marshal, of the district where the nuisance exists, who shall forthwith commence proceedings by information in the circuit court to have the same abated, and the parties in interest shall have five days notice of the proceedings, which shall be served as in ordinary

suits. Such proceedings may be tried by the judge, in term-time or in vacation, in a summary way, and if the matter be urgent, it shall be tried without delay; but the parties in interest shall have a jury if they demand it, which the judge shall cause to be summoned, if in vacation, returnable at some early day, to be fixed by him, and the matter shall be tried as other causes by judge and jury; and if the matter be found to be a nuisance, the judge shall order the same abated, which shall be executed by the sheriff or other proper officer, and an appeal shall not be allowed therefrom. This section shall not affect the right which municipalities may have to abate a nuisance, or common law or equity proceedings for that purpose. (7037 Miss. Code 1942).

## CHAPTER 357, LAWS 1938

### **Rabies Inoculation Required**

Section 1. Every person in the State of Mississippi, who owns, or has in his or her possession, any dog of the age of six months or over shall have said dog inoculated (vaccinated) against rabies as provided herein, with the approved dosage of an approved anti-rabic virus (vaccine) having a suspension of not less than twenty per cent (20%) of brain tissue; and from and after sixty days after the passage of this act; it shall be unlawful for any person within the State of Mississippi to own or have in his or her possession within the State of Mississippi any dog, six months of age or over, which has not been inoculated (vaccinated) against rabies with the approved dosage of an approved anti-rabic virus (vaccine) having a suspension of not less than twenty percent (20%) of brain tissue. It shall be the duty of every person in this state so owning or having in his or her possession a dog to have said dog inoculated (vaccinated) immediately after said dog has reached the age of six months; and it shall be his or her further duty to have said dog so inoculated (vaccinated) annually thereafter, on or before June 30th of each year, after the initial inoculation (vaccination) herein provided for; and for a failure to comply with this provision said person shall be subject to the penalties provided in this act. (6815 Miss. Code 1942).

### **Virus—How Procured**

Sec. 2. All virus (vaccine) administered in accordance with this act shall be approved by the State Board of Health. The State Board of Health shall make a contract by bid with manufacturers of approved virus (vaccine) and said manufacturers shall furnish said virus (vaccine) at contract price to persons approved for ad-

ministering same. The manufacturers of approved virus (vaccine) shall upon execution of contract establish depots in each county of the state from which only persons administering virus (vaccine) may obtain said virus (vaccine) at contract price. Said manufacturers shall immediately upon execution of contract advise the State Board of Health of the location and addresses of all such established depots. Said depots shall be equipped with and maintain storage space for storing said virus (vaccine) at a temperature not higher than fifty degrees Fahrenheit (50°F) at all times. Said virus (vaccine) shall be put up in individual ampoules of not more nor less than 5cc (one dose) each and shall be stored at a temperature of not higher than fifty degrees Fahrenheit (50°F) except while being shipped through the mail or express for delivery to the established depots of the state or to individuals approved for administering said virus (vaccine). (6816 Miss. Code 1942).

### **Who May Administer**

Sec. 3. All inoculations (vaccinations) done in accordance with this act must be done by either a licensed veterinarian, a licensed physician, a licensed pharmacist, a licensed dentist, a county agent, Smith Hughes teachers, or other competent person granted a permit to administer virus (vaccine) by the State Board of Health on the recommendation of the county health officer; provided, however, that only licensed veterinarians and licensed physicians shall be permitted to charge a fee for inoculations (vaccinations) done under the provisions of this act. (6817 Miss. Code 1942).

### **Tags**

Sec. 4. It shall be the duty of the manufacturer or manufacturers contracted with to furnish virus (vaccine) to furnish with each ampoule (dose) or virus (vaccine) a suitable metal tag approved by the State Board of Health, which may be securely bradded to the collar of the dog inoculated (vaccinated) which said tag shall have stamped thereon the serial number of vaccination and the year in which said dog was inoculated. This tag shall be furnished to the owner when said dog is inoculated (vaccinated), and it shall be his duty to securely attach same to the collar, and each dog owned by or in the possession of any person within the State of Mississippi shall wear at all times a collar or other device which shall have securely bradded on to it the metal tag provided for above, and any such tag shall not be transferable to any dog other than the dog for which it was issued. (6818 Miss. Code 1942).



### **Dogs Running at Large**

Sec. 5. After the expiration of sixty days immediately following from and after the date upon which this act is passed, it shall be lawful for any enforcement officer hereinafter named to kill any dog found running at large on whose neck there is no such collar and tag, and no action shall be maintained by the owner for such killing. However, it shall be the duty of said officer who finds a dog or dogs running at large to first keep said dog or dogs for a period of five days and notify the sheriff of said county that he has said dog or dogs, giving the sheriff a description of same, and if any one proves himself to be the owner of same, he shall pay said officer the sum of fifty cents (50c) before the dog is delivered to the owner. (6819 Miss. Code 1942).

### **Reports**

Sec. 6. All licensed veterinarians, all physicians, licensed pharmacists, licensed dentists, county agents, Smith Hughes teachers, or other persons permitted to administer virus (vaccine) in accordance with this law shall on the first day of each month report to the state livestock sanitary board on blanks to be furnished by said board, the names of all dog owners for whom dogs have been inoculated (vaccinated), and the number of dogs inoculated (vaccinated) with inoculation (vaccination) serial number on tag of each dog. All persons administering virus (vaccine) in accordance with this law shall furnish the owner of each dog inoculated (vaccinated) a certificate of inoculation (vaccination) for each dog inoculated (vaccinated) indicating the brood of each dog inoculated (vaccinated) the sex of each dog inoculated (vaccinated) and the markings and the serial number of tag attached to the collar or some other device on said dog. (6820 Miss. Code 1942).

### **Penalties**

Sec. 7. The failure or refusal of any person to comply with any of the provisions of this act shall constitute a misdemeanor; and the offender shall, on conviction thereof, be fined for the first offense in a sum not to exceed five dollars (\$5.00); and for the second offense in a sum not to exceed twenty five dollars (\$25.00); and for the third offense a sum not to exceed fifty dollars (\$50.00); together with all costs. And it shall be the duty of the sheriffs, game warden, and all peace officers of the counties and municipalities of Mississippi to enforce this act; and it shall be their duty as hereinabove set out, to kill or otherwise destroy any and all dogs, above the age

of six months, which are running at large, and have not been inoculated (vaccinated) as required in this act; and it shall be the duty of the county attorneys and district attorneys of this state to prosecute all violators of this act. (6821 Miss. Code 1942).

## CHAPTER 115, LAWS 1916

### **Inflammation of the Eyes of Newborn Defined**

Any inflammation, swelling or redness in either or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of any such infant, independent of the nature of the infection, if any occurring, any time within two weeks after birth of such infant, shall be known as "inflammation of the eyes of the newborn." (7067 Miss. Code 1942).

### **Duties of Physicians, Midwives**

It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature; parent, relative and any person attendant on or assisting in any way whatsoever, any infant, or the mother of any infant at childbirth, or at any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, within six hours thereafter, to report such fact, as the State Board of Health shall direct, to the local health officer of the city, town, village, or whatever other political division there may be, within which the infant or the mother of the infant may reside. (7068 Miss. Code 1942).

### **Duties of the State Board of Health**

It shall be the duty of the State Board of Health: (1) to enforce the provisions of this statute; (2) to promulgate such rules and regulations as shall, hereunder, be necessary for the purpose hereunder, and such as the State Board of Health may deem necessary for the further and proper guidance of local health officer, etc.; (3) to provide for the gratuitous distribution of a scientific prophylactic for inflammation of the eyes of the newborn, together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth; (4) to provide, if necessary, daily inspection and prompt and gratuitous treatment to any infant whose eyes are infected with inflammation of the eyes; provided further; that the State Board of Health, if necessary, shall defray the expenses of such treatment from such sums as may be appropriated for its use; (5) to publish and promulgate such further advice and information

concerning the dangers of inflammation of the eyes of the newborn and the necessity for prompt and effective treatment; (6) to furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth; (7) to keep a proper record of any and all such cases of inflammation of the eyes of the newborn, as shall be filed in the office of the State Board of Health in pursuance with this law, and as may come to their attention in any way, and to constitute such record a part of the annual report to the governor and legislature; (8) to report any and all violations herein as may come to its attention, to the local police, county prosecutor, or district attorney in the county wherein such misdemeanor may have been committed, and to assist such official in every way possible, such as securing necessary evidence, etc. (7070 Miss. Code 1942).

### **Requirements in Maternity Homes, Hospitals**

It shall be the duty of the physicians, midwives, or other persons in attendance upon a case of childbirth in a maternity home, hospital, public or charitable institution, in every infant immediately after birth, to use some prophylactic against inflammation of the eyes of the newborn and to make record of the prophylactic used. It shall be the duty of such institution to maintain such records of cases of inflammation of the eyes of the newborn as the State Board of Health shall direct. (7071 Miss. Code 1942).

### **Duties of the Local Health Officer**

It shall be the duty of the local health officer: (1) to investigate or to have investigated each case as filed with him, in pursuance of the law, and any other such case as may come to his attention; (2) to report all cases of inflammation of the eyes of the newborn and the result of all such investigations as the State Board of Health shall direct; (3) to conform to such other rules and regulations as the State Board of Health shall promulgate for his further guidance. (7069 Miss. Code 1942).

### **Duties of Midwives**

It shall be the duty of a midwife in every case of childbirth under her care, immediately after birth, to use such prophylactic against inflammation of the eyes of the newborn as the State Board of Health requires. (7072 Miss. Code 1942).

### **Violation of this Statute a Misdemeanor**

The failure of any physician, midwife, etc., as hereinbefore set forth, to comply with any of the provisions of this statute shall con-



stitute a misdemeanor hereunder and the offender shall, on conviction thereof, be fined for the first offense not to exceed \$50.00; for the second offense, not to exceed \$100.00; and for the third offense and thereafter, not to exceed \$200.00 for each violation. It shall be the duty of the local police, county prosecutor, or the district attorney to prosecute for all misdemeanors as herein prescribed. (7073 Miss. Code 1942).

**Revised Rules and Regulations for the Prevention of Blindness in the New-born**

"All physicians and midwives must use a 1 percent solution of silver nitrate as prophylactic for inflammation of the eyes of the newborn and said prophylactic must be used and administered according to directions furnished by the Board of Health." Regulation passed by the State Board of Health, January 2, 1917—Paragraph 7.

**TUBERCULOSIS**

**CHAPTER 130, LAWS 1910**

**To Prevent Spread of Tuberculosis and Similar Diseases**

It shall be the duty of all practicing physicians in this state to report to the secretary of State Board of Health any and all cases of tuberculosis, consumption or other pulmonary diseases, which they shall be called on to examine or treat, within ten days after receiving knowledge of such cases, and the secretary of the State Board of Health shall at once send to the patient thus reported, printed information on the subject of proper care and treatment of the disease, and the prevention of its spread, and such other information as may be prescribed by the board. (7074 Miss. Code 1942).

**Attending Physician to Report Cases to State Board of Health**

Each attending physician shall also report to the secretary of the State Board of Health, on blanks furnished by the board, the death or recovery of all patients treated by him, for tuberculosis diseases. (7075 Miss. Code 1942).

**Penalty**

Any practicing physician who shall fail to make the reports required of him, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars, nor more than fifty dollars. (7076 Miss. Code 1942).

**CHAPTER 109, LAWS 1916**

**Tuberculosis Hospital—Body Corporate**

The sanatorium for the prevention and treatment of tuberculosis authorized and established by chapter 109, Laws of 1916 is con-

tinued in form and effect under the management and control of the State Board of Health, with such powers and limitations as are imposed under this chapter. The institution shall continue to be known as "Tuberculosis Sanatorium of Mississippi," and shall continue as heretofore for the prevention and treatment of tuberculosis, and the said institution by name of "Tuberculosis Sanatorium of Mississippi" is continued a body corporate with power to accept and receive property by donation under the direction of the State Board of Health. (6870 Miss. Code 1942).

### **Superintendent—His Appointment and Qualifications**

The State Board of Health shall elect a superintendent of said institution to fill any vacancy occurring, who shall be a well-trained physician and experienced in public health work. The superintendent shall make all recommendations to the board in directing said sanatorium, and the board is authorized to elect and employ such officials and pay such fees and salaries from the appropriation made for this purpose by the legislature as may be found necessary for the proper management and maintenance of said institution. (6871 Miss. Code 1942).

### **Correspondence School for Advising Patients**

Said bureau for tuberculosis shall operate and maintain a correspondence school with those suffering from tuberculosis in this state, to the end that the tuberculosis population of Mississippi shall be properly advised and directed both as to the method for attaining cures and as to the methods for preventing the spread of disease to other persons. (6875 Miss. Code 1942).

### **Physicians to Report Persons Afflicted**

All physicians and the executive officers of every private or public hospital, institution for the treatment of disease or dispensary shall report on blank forms and in accordance with the instructions of the Board of Health, the names and other particulars of all persons afflicted with tuberculosis whom they are called upon to examine or treat, or who are to be examined or treated in the hospital, institution or dispensary of which he or she is the executive head, within seven days after the disease is recognized by such physician or executive officer. Any violation of this section shall be a misdemeanor, and subject to a fine of not less than \$10.00 nor more than \$100.00. (6876 Miss. Code 1942).

**Board May Accept Gifts for Benefit of Sanatorium**

The Board of Health shall be empowered to receive or accept gifts or donations for the benefit of the state sanatorium, and the Board of Health shall, in their discretion, accept the same for carrying out the purpose for which the sanatorium is established. (6877 Miss. Code 1942).

**CHAPTER 381, LAWS 1934****Board of Health to Provide for Admissions**

The State Board of Health shall determine the qualifications and conditions for admission of those applying as patients to the institution, and shall make all by-laws and regulations that may be necessary for the government of said sanatorium, provided they shall direct the superintendent to collect from each patient admitted into the institution a sum of not less than five (\$5.00) dollars per week nor more than twenty-one (\$21.00) dollars per week according to the patient's ability to pay; the said sum of money shall be collected each month and shall constitute a lien on any property owned by said patient which may be subject to execution, or, in case of minor, against the parent or guardian. The said sanatorium shall be conducted so that it may be as nearly self-supporting as shall be consistent with the purpose of its creation, and the Board of Health is empowered and authorized to take such steps as may be necessary for the collection of said sums of money and to do such other things as may appear to them reasonably necessary and incident to the proper management of the institution. (6872 Miss. Code 1942).

**CHAPTER 304, LAWS 1924****Patients May Be Treated in Sanatorium Under Contract**

The State Board of Health shall be empowered to contract with counties, municipalities and fraternal and benevolent organizations for the care and treatment in the state tuberculosis sanatorium, of persons eligible for admission to said institution under the laws, rules and regulations governing the same. (6873 Miss. Code 1942).

**CHAPTER 176, LAWS 1918****Bureau of Tuberculosis Provided—Statistics Obtained**

A bureau for tuberculosis shall be established and operated by the sanatorium. The said bureau shall have the following duties: (1) it



shall obtain reports of all cases of tuberculosis in the state; (2) it shall keep a register of all tubercular persons reported in the state. The bureau shall have exclusive control of such register and a knowledge of its details shall be open only to the following: 1. State, county, or municipal officer. 2. Representatives of organizations interested in making financial provisions for the care of tubercular persons. 3. Those who may seek scientific information for the prevention and treatment of tuberculosis. (6874 Miss. Code 1942).

## CHAPTER 67, LAWS 1928

### **Municipalities, Counties, May Provide for Treatment of Persons**

Any municipality in the State of Mississippi, through its board of aldermen, town council, or other governing boards, and any county, in the State of Mississippi, through its board of supervisors is hereby authorized and empowered to provide for the treatment of any tubercular person or persons resident in and who is a bona fide citizen of said municipality, or county, and has been for the past six months at the Mississippi Sanatorium for the care and treatment of tuberculosis an amount which shall not be more than \$1.00 per day per patient; and when said person or persons is declared worthy of said appropriation and shall have been admitted to the Mississippi State Sanatorium on request of said board, he shall be cared for until the superintendent of the Sanatorium in his opinion deems it safe to discharge him, and that the board of aldermen or the board of supervisors shall issue warrants on statement submitted by the superintendent from month to month for their care. (6878 Miss. Code 1942).

## CHAPTER 277, LAWS 1922

### **Board of Health May Sell Electric Current from Tuberculosis Sanatorium**

The State Board of Health be and it is hereby authorized to sell to the town of Magee, in Simpson county, Mississippi, electricity or electric current manufactured at the Mississippi Sanatorium for the prevention and treatment of tuberculosis, near said town, to be delivered on the premises of said sanatorium, in such amount as shall not interfere with the uses of electricity and electric current at said sanatorium, and at such price per kilowatt, as said board shall deem reasonably profitable to the state. That all funds received from said town shall be paid into the state treasury. (6879 Miss. Code 1942).

**Agreement to Continue at Pleasure of Board**

No agreement or contract shall be made by said board to sell such electricity or electric current for any definite time, but the same shall be during the pleasure of the board. Such current shall be paid for monthly at the end of each month. And no liability shall be incurred by the state by reason of such sale. (6880 Miss. Code 1942).

**CHAPTER 252 LAWS 1946****Educational Facilities for Sanatorium Patients**

Section 1. The State Board of Education be and it is hereby authorized and directed to appoint, subject to the approval of the superintendent of the tuberculosis sanatorium of Mississippi, an educational director who shall control, manage and supervise the education program facilities and training for patients of educable school age being treated or undergoing physical restoration at said tuberculosis sanatorium.

Sec. 2. That said director shall be authorized to employ one or more assistants, subject to the approval of the superintendent of the institution, and may use the potential "teacher power" which is always present at such institution, to aid and assist him in providing proper educational facilities and training for the patients of educable school age being treated and undergoing physical restoration at said institution, and may be in cooperation with the state department of vocational rehabilitation program of such institution.

Sec. 3. That the qualifications of said director shall not be less than those now required by law for the principal or superintendent of a school, and the assistant shall have the qualification as now required for teachers in the public schools, and all of whom shall be licensed teachers under the laws of the State of Mississippi, and that the work shall be coordinated with the state educational system.

Sec. 4. That the salaries to be paid the said director and his assistants shall be fixed by the superintendent of said institution subject to the approval of the State Board of Health, and shall be paid out of funds appropriated therefor or any other funds appropriated for the support and maintenance of said institution.

Sec. 5. That the superintendent of the tubercular sanatorium shall have the right and power to remove at any time the said director or any assistant, and their successor shall thereafter be appointed in accordance with the provisions of this act. (Not Coded).

**VENEREAL DISEASES****CHAPTER 194, LAWS 1918****Venereal Diseases—Person With Disease Not to Have Sexual Intercourse With Another**

Any female, afflicted with syphilis or any other venereal disease, who knowing of such condition shall have sexual intercourse with any male person, or any male person afflicted with syphilis or any other venereal disease, who knowing of such condition shall have sexual intercourse with any female, shall be guilty of a misdemeanor, and on conviction shall be punished as for a misdemeanor. (7077 Miss. Code 1942).

**State Board of Health May Quarantine**

The State Board of Health shall have full power to isolate, quarantine or otherwise confine, intern, and treat such person afflicted with such infectious venereal disease for such time and under such restrictions as may seem proper, and to pass all such rules and regulations as to the isolation, quarantine, confinement, internment and treatment as may be needful. (7078 Miss. Code 1942).

**Suspects Examined**

Any person suspected of being afflicted with any such infectious venereal disease shall be subject to physical examination and inspection by any representative of the State Board of Health, and for failure or refusal to allow such inspection or examination, such person may be punished as for a misdemeanor. (7079 Miss. Code 1942).

**Violation of—Penalty**

Any person knowingly violating any rule or regulation promulgated by the State Board of Health, under the authority of this statute, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment or both. (7080 Miss. Code 1942).

**Municipalities May Make Donations to State Board of Health**

Any town, city or county is hereby authorized to make donations to the State Board of Health to assist in the enforcement of this statute. (7081 Miss. Code 1942).

**CHAPTER 279, LAWS 1944****Prevention Ward—Creation of**

Section 1. There is hereby created and set aside a department of the Mississippi State Hospital at Whitfield, the location of which shall be



decided by the superintendent, for the purpose of treating neuro-syphilis and/or other diseases which will eventually lead to insanity, in order that patients may become well and take their place in society and make their own living instead of becoming permanent inmates of the hospital for the insane. (6919-01 Miss. Code 1944 Supplement).

### **Admission and Discharge of Patients**

Sec. 2. Patients shall be admitted on written request of any county health unit or the official of any clinic upon the approval of the state board of health, and that the commitment for these patients shall be on the above written request and will not require the processes necessary for commitment of a person already insane. That they shall be discharged by the physician in charge when their course of treatment shall have been finished. (6919-02 Miss. Code 1944 Supplement).

### **Physician in Charge—Selection—Powers**

Sec. 3. This department shall be separate from all other departments of the Mississippi State Hospital, and shall have a physician in charge who is familiar with the injection and fever therapy treatment of syphilis, whose sole duty shall be the supervision and treatment of patients suffering from neuro-syphilis and/or other diseases for the prevention of insanity. Said physician placed in charge of this department shall be empowered to secure such nurses and technicians as are necessary for the proper treatment and care of the patients, and perform such other duties as may devolve in the course of treatment. The physician who shall have charge of this department shall be selected by the superintendent of Mississippi State Hospital with the approval of the state health officer, and all nurses and technicians employed by said physician shall have the approval of the superintendent. (6919-03 Miss Code 1944 Supplement).

### **Separate Maintenance**

Sec. 4. Any money appropriated for this department shall be kept in a separate account out of which shall be paid the expenses of this department, upon requisition of the physician in charge, countersigned by the superintendent of the Mississippi Hospital for the Insane, in the same manner as are other monies of said hospital paid out. (6919-04 Miss. Code 1944 Supplement).

## CHAPTER 280, LAWS 1944

**Idiots, Incurables, etc., Not Admitted**

Mere idiots, fools and other known incurables, who are not dangerous or in need of special treatment, may not be admitted into the hospital, but shall be cared for in the county home in the county in which they reside. If such county does not maintain a county home, then such person may be committed to one of the state hospitals, the cost of commitment and maintenance in said hospital to be paid by the county from which patient is committed. The maintenance, however, shall not exceed the per capita costs of other patients in the hospital to which said person is committed and shall be paid six months in advance to the superintendent or steward of said hospital, so long as said patient remains in said hospital. Provided, however, that in case any special treatment for neuro-syphilis or other disease leading to insanity that such patient shall be admitted to the state hospital for the insane for said special treatment at the expense of the State of Mississippi, and shall be paid out of a special appropriation made by the legislature for the maintenance and treatment of such patients needing such special medical treatment. (6907 Miss. Code 1944 Supplement).

## CHAPTER 190, LAWS 1942

Section 1. The board of trustees of state eleemosynary institutions be, and it is hereby, empowered and authorized to permit the State Board of Health of Mississippi to use four wards at the Matty Hersee Hospital in Meridian, Mississippi, which are not now in use and which will not be needed by the said hospital in the immediate future to be used by the State Board of Health as an isolation hospital unit for the treatment of venereal diseases for the duration of the present war. All improvements and equipment installed in said hospital shall be and become the property of the said hospital at the termination of this use of the hospital by the State Board of Health and the termination of this authority. The State Board of Health shall not be required to pay any rental for the use of said property during said period of time. (Not Coded—T).

## CHAPTER 284, LAWS 1942

**Prostitution**

Section 1. It shall be unlawful to engage in prostitution or to aid or abet prostitution or to procure or solicit for the purposes of prostitution, or to reside in, enter, or remain in any place, structure, or

building, or to enter or remain in any vehicle or conveyance for the purpose of lewdness, assignation, or prostitution, or to keep or set up a house of ill-fame, brothel or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure or building, or to permit any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building, or to direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any vehicle, conveyance, place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation, or to lease or rent or contract to lease or rent any vehicle, conveyance, place, structure, or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited, or to aid, abet, or participate in the doing of any of the acts herein prohibited. (2333 Miss. Code 1942).

#### **Same—Procuring, Inducing, Transporting Female**

Sec. 2. It shall further be unlawful to procure a female inmate for a house of prostitution, or to cause, induce, persuade, or encourage by promise, threat, violence, or by scheme or device, a female to become a prostitute or to remain an inmate of a house of prostitution or to induce, persuade, or encourage a female to come into or leave this state for the purpose of prostitution, or to become an inmate in a house of prostitution, or to receive or give, or agree to receive or give any money or thing of value for procuring, or attempting to procure any female to become a prostitute or an inmate in a house of prostitution, or to knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution. (2334 Miss. Code 1942).

#### **Same—Penalty, Constitutionality**

Sec. 3. Any person, partnership, association or corporation violating any provision of this act shall, upon conviction, be punished by a fine not exceeding two hundred dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. The declaration by the courts of any of the provisions of this act as being in violation of the constitution of this state shall not invalidate the remaining provisions. (2335 Miss. Code 1942).



## **SUPERVISORS MAY DONATE FOR CERTAIN PURPOSES**

### **CHAPTER 143, LAWS 1916**

#### **Supervisors May Donate for Certain Patriotic and Charitable Uses**

The board of supervisors of each county are hereby authorized in their discretion to donate money for the objects and purposes following, to-wit:

(f) **Hospitals for Pellagra Sufferers**—For the establishment and maintenance of a hospital for the treatment of persons afflicted with pellagra. For this purpose the board may issue bonds and incur such indebtedness within the limits now authorized by law. (2998 Miss. Code 1942).

### **CHAPTER 305, LAWS 1926**

(g) **Tubercular Hospitals**—For the establishment and maintenance of a hospital for the care and treatment of persons suffering from tuberculosis. In the execution of this power the board may select trustees to establish and operate said hospital. In counties having a population of more than forty thousand people, as shown by the latest United States census, the board may levy a special tax of not exceeding one mill on the dollar on all the taxable property within such county for the purpose of aiding in the maintenance and support of hospitals maintained and operated in such county for the care and treatment of persons suffering from tuberculosis. The money derived from said tax shall be expended by the board through such trustees, not less than three and not more than five, to be elected by the board of supervisors annually. The trustees shall file reports with the board at least once every six months showing in detail all expenditures made by them and the number of patients which have been for the preceding period aided or cared for by the institution, and the board may otherwise require a strict accounting of the administration of said funds. (2998 Miss. Code 1942).

### **CHAPTER 299, LAWS 1938**

#### **Authorizing Counties to Establish and Maintain Tubercular Hospitals—Providing for Tax Levy**

Section 1. (g-1) That the board of supervisors of one or more counties are hereby authorized and empowered, in their discretion separately or jointly, to acquire by gift, purchase or lease, real estate for tubercular hospital purposes; to own, erect, build, establish, maintain,

regulate and support a tubercular hospital and to remodel buildings on such property to be used for such hospital purposes.

In the event the boards of supervisors of two or more counties agree to cooperate, in establishing and maintaining such hospital, the board of supervisors of each of said counties shall adopt a resolution agreeing to the proportionate part each county will contribute to the establishment and maintaining of such hospital. Provided, however, that before such tax levy can be made an election shall be held in each of the counties desiring to come under the provisions of this act, and said tax levy shall not be made unless a majority of the qualified electors in each of the counties affected shall vote for the same.

Sec. 2. Each county operating under the provisions of section 1 of this act is hereby authorized and empowered to levy an ad valorem tax on all the taxable property in said county at a rate not to exceed one and one-half ( $1\frac{1}{2}$ ) mills per annum for the purpose of erecting, maintaining and operating such hospital. The limitation of the amount of tax that may be levied, fixed by any other statute shall not apply when the tax is levied under the provisions of this act.

Sec. 3. After a county has made a tax levy, as provided herein, such county may borrow and issue loan warrants for a sum not exceeding seventy-five per cent (75%) of the amount anticipated by the levying of said ad valorem tax, said funds to be used for the purpose of acquiring, building and equipping a hospital for the purpose of this act. (2998 Miss. Code 1942).

## **VITAL STATISTICS**

### **CHAPTER 309, LAWS 1944**

#### **To Provide for a Bureau of Vital Statistics and Registration of Births and Deaths and Issuance of Birth Certificates**

A bureau of vital statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths and preservation of vital statistics on forms prescribed by said Board of Health, and provide adequate methods for enforcing the laws and orders of the board relating to health matters of the state, provided, however that in the event a child is legally adopted by proceedings in a chancery court of this state and a certified copy of the decree of adoption is filed with the bureau of vital statistics, a birth certificate issued to any person showing the registration of birth of such adopted child shall show the names of the adop-

tive or foster parents in lieu of the names of the natural parents of said child and shall show any change in the legal name of said child in lieu of the original name of said child, but in all other particulars shall show the true facts of birth; if any birth certificate shall have been registered by the bureau of vital statistics for any such child prior to its adoption proper reference shall be made on the record of the original birth certificate as to the issuance of the new birth certificate; provided, however, further that in case there is no report of the birth of such adopted child on record at the Mississippi State Board of Health, then in that event the bureau of vital statistics shall issue a birth certificate showing the date and place of the birth of such adopted child as set forth in the decree of adoption, and showing as parents thereof the adoptive parents according to said decree. Provided, further, that any person who was born in the state of Mississippi and whose birth has not been registered and who is unable to secure the proof now required by the registrar of births to register the same, may file a petition under oath in the chancery court of the county of the residence of the petitioner, setting out the true date of the birth of the petitioner and other facts necessary and the clerk shall issue a summons for the state board of health, which summons may be served on the executive secretary, the registrar of vital statistics or a duly qualified county registrar, thirty days prior to the time of the hearing, to appear and contest the same, and the said petition may be heard by the chancellor in term time or in vacation, and the same shall not be taken as confessed, but proof shall be made of the allegation in the same. When a decree is entered adjudicating the true date of the birth of the petitioner, upon a certified copy of the decree being furnished to the registrar of vital statistics showing the true date of the birth of the petitioner, the same shall be registered upon the proper records of the State Board of Health. (1944 Supplement).

#### CHAPTER 270, LAWS 1938

##### **Validating Decrees Altering the Name of Any Person—Making Legitimate Offspring Not Born in Wedlock, Etc.**

Section 1. In every case or proceeding in any chancery court in the State of Mississippi, wherein said chancery court has heretofore entered a decree altering the name of any person; making legitimate the offspring of any person not born in wedlock; decreeing any illegitimate offspring to be an heir of the petitioner therein; or any decree authorizing the adoption of another person by the petitioner therein and to change the name of said adopted person, as provided in section 358, Mississippi code of 1930, wherein the chancery court or chancellor



entering said decree had territorial jurisdiction of the petitioning parties and the person sought to be adopted, or whose name was sought to be changed, or who was to be made a legitimate offspring and inherit as such, shall forever hereafter be in every respect conclusively valid, binding and legal under any of the following circumstances:

(a) Where the provisions of section 358 of the Mississippi code of 1930 were substantially complied with; or

(b) In adoption decrees, where one of the parents or the guardian of a minor sought to be adopted had exclusive care, custody and control of such minor, and where such parent or guardian was made a party to said adoption proceedings by proper process of the chancery court, or voluntarily entered his or her appearance therein; or

(c) Where the person sought to be adopted was a minor, born out of wedlock, and the mother of said infant was made a party to said adoption proceedings or voluntarily entered her appearance therein; or

(d) In any cause or proceeding where one or both of the natural parents of any minor sought to be adopted were non-residents of the State of Mississippi, or whose whereabouts were unknown to the petitioning parties after diligent search and inquiry, or where the chancery court or chancellor expressly found in such decree that such non-resident absent or absconding parent was not a necessary party to the adoption proceedings, or was not entitled to notice thereof. Provided, however, that this act shall not affect pending litigation involving property rights or rights of inheritance.

Sec. 2. That the invalidity or unconstitutionality of any part or provision of this act shall not affect the remaining provisions thereof. (Not Coded L).

## CHAPTER 149, LAWS 1912

### **Secretary of Board of Health to be State Registrar**

The secretary of the State Board of Health shall act as state registrar of vital statistics, and his compensation for said duties shall be fixed by the said board, and it shall be his duty to carry into effect the rules, regulations and orders of the State Board of Health, provided for the bureau of vital statistics, and the said board shall pro-

vide for such clerical and other assistance as may be necessary for the purposes of this statute, and may fix the compensation of persons thus employed within the amount appropriated for the health work by the legislature, and provide suitable apartments, properly equipped with fireproof vaults and filing cases, for the permanent and safe preservation of all official records made and returned to said bureau. (7061 Miss. Code 1942).

### **State to be Divided Into Registration Districts**

The State Board of Health may divide the state into registration districts to provide vital statistics, defining and designating the boundaries thereof and appointing local registrars in each district. (7062 Miss. Code 1942).

### **Board of Health to Formulate a System for Gathering Statistics**

The said Board of Health shall formulate and promulgate rules and regulations for the proper reporting and registration of morbidity and vital statistics, prescribing the method and form of making such registration. (7063 Miss. Code 1942).

### **Certificates of Registrar to be Prima Facie Evidence**

Any copy of the records of birth, sickness, or death, when properly certified to by the state registrar of vital statistics, to be a true copy thereof, shall be prima facie in all courts and places of the facts therein stated. (7064 Miss. Code 1942).

### **Penalty for Violating Orders as to the Collection of Statistics**

Any person or persons who shall violate any rule, regulation, or order of the State Board of Health relative to recording, reporting or filing information for the bureau of vital statistics, or who shall wilfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court. (7066 Miss. Code 1942).

## CHAPTER 473, LAWS 1946

**Registration of Births and Deaths**

Section 1. Each local registrar shall be paid the sum of sixty cents (60c) for each birth and each death certificate properly made out, and in the manner and on the form required by the State Board of Health, same to be paid by the board of supervisors of the county in which the births and deaths occurred, upon certification made monthly to the board of supervisors by the state registrar; except that in any county having a city of over 50,000 population the sum of fifty cents (50c) shall be paid for each certificate filed.

Provided further, that any local registrar shall receive only forty cents (40c) for each birth and each death certificate sent in to the bureau of vital statistics improperly completed or at a later time than that fixed by the regulations of the State Board of Health.

Provided further, that the board of supervisors of any county may appropriate additional funds, not to exceed fifty dollars (\$50.00) per month, to be used under the direction of the State Board of Health, in perfecting the registration of vital records. ( Not Coded).

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**Certificate of Officer of Search in Office, Admissible as Evidence**

A certificate, under his hand and official seal, by the officer to whom the legal custody of a record or paper belongs, that he has made diligent search in his office for the record or paper, and that it cannot be found therein, shall be admissible in evidence, and have the same effect as if the officer personally testified to the fact stated in such certificate. (1727 Miss. Code 1942).

**Alteration of Records**

If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any word or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved. (2004 Miss. Code 1942).



## CHAPTER 132, LAWS 1928

**Registration of Marriages Provided For**

All marriages hereafter occurring within the state shall be registered with the state registrar of vital statistics at the state capitol, as births and deaths are required to be, as hereinafter provided. (7089 Miss. Code 1942).

**Board of Health to Provide System**

It shall be the duty of the state registrar of vital statistics, in addition to the duties now required of him by law, to carry into effect these provisions and the rules, regulations and orders of the State Board of Health which may be promulgated for the carrying out of the purposes hereof, and the said State Board of Health shall provide for such clerical and other assistance as may be necessary, and may fix the compensation of persons thus employed, and provide suitable apartments properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records required made and returned to said bureau. (7090 Miss. Code 1942).

**Registration of Marriages—How Secured**

The State Board of Health, in addition to the powers and duties heretofore conferred upon it, shall formulate and promulgate rules and regulations for the proper reporting and registration of records of marriages prescribing the methods of making and the forms to be used in reporting marriages to said bureau of vital statistics. (7091 Miss. Code 1942).

## CHAPTER 293, LAWS 1938

**Duties of the Circuit Clerk**

The circuit clerk of each county of the state, in addition to the other duties imposed upon him by law, shall on the tenth of each month forward to the bureau of vital statistics, on blanks furnished him for that purpose by the State Board of Health, records of marriages reported to him during the previous month, each record to contain, over his signature, the following information: The name of the groom, his age, color, and the name of his father; also like information for the bride; date licensed; date married; the official performing the ceremony; and the number and page of the record book on which such

marriage is recorded. And the said clerk shall, at the same time, on the tenth of each month, along with said records of marriages, forward to said bureau of vital statistics on blanks furnished by the State Board of Health, and over his signature, a list of persons licensed by him during the preceding month for whom no returns of marriage have been received, giving in each case the following information on said blank: The names and color of the contracting parties, the address of the intended groom, and the date of issuance of the license. (7092 Miss. Code 1942).

## CHAPTER 317, LAWS 1942

### **Circuit Clerks to Compile Data on Marriages**

In order to secure records of marriages and births in the several counties in this state from the earliest records down to the present time, the State Board of Health is hereby authorized and empowered to make contract with the circuit clerks or others of this state to compile for the bureau of vital statistics complete lists of marriages in the various counties from the earliest records down to the present time, and in order to complete these records by securing records of said marriages in all said counties, the State Board of Health is hereby authorized and empowered to deposit all moneys received as fees for certified copies of births, deaths and marriages in the state treasury in a separate account to be used for the completion of the vital statistics on marriages in the various counties, and for clerical expenses and other expenses necessary for completion and issuance of birth records, said fund to be paid out for said purposes only on voucher issued for these purposes by the State Board of Health, and when said statistics of past marriages in the several counties shall have been completed and paid for, then all of said funds that may remain on hand and all other such funds collected for certified copies of birth, death and marriage records thereafter may be used for the completion of birth records. (7095 Miss. Code 1942).

## CHAPTER 164, LAWS 1926

### **Compensation of Circuit Clerk Fixed**

Each circuit clerk for the duties herein imposed, is entitled to receive the sum of twenty-five cents for each said complete report of marriages forwarded to the bureau of vital statistics, and the sum of twenty-five cents for each list of names of persons securing marriage license as specified in the preceding section hereof, to be paid by the board of supervisors out of the county treasury on order of

the board of supervisors upon certificate of the bureau of vital statistics every six months on forms to be provided for that purpose. (7093 Miss. Code 1942).

## CHAPTER 132, LAWS 1928

### **Certified Copies of Marriage Records**

Any copy of the records of marriages provided for herein, when properly certified to by the state registrar of vital statistics, to be a true copy thereof, shall be taken and received as prima facie of the facts therein stated in all courts of this state, and for any such certified copy of the applicant shall pay the sum of fifty cents to the bureau of vital statistics, which said fees shall be paid into the state treasury within sixty days from the receipt hereof. (7094 Miss. Code 1942).

### **Penalties**

Any person or persons who shall violate any of the provisions of this article or any rule, regulation or order of the State Board of Health relative to the making of said reports; as to reporting, recording, or filing the information for the bureau of vital statistics on marriages, or who shall fail, neglect or refuse to perform any of the duties imposed upon them by said order, rules or regulations, or shall furnish false information for the purpose of making incorrect records for said bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not exceeding sixty days, or shall suffer both fine and imprisonment at the discretion of said court. (7096 Miss. Code 1942).

### **Vital Statistics—Rules and Regulations**

Regulation requiring hospitals to get mothers okeh and signature on birth certificate—June 27, 1945.

Regulation governing filing of delayed birth certificate—May 31, 1944.

Regulation changing time for filing birth certificate—June 27, 1945.

Regulation authorizing birth registration identification card—June 27, 1945.

Regulation amending adoption birth certificate—February 23, 1944.

Rules and Regulations governing birth and death registration—June 1941.



**DIVORCES****CHAPTER 132, LAWS 1928****Statistical Requirements—Divorces**

All bills for divorce shall specify the race of the parties to the suit, when married, and the number and names of the living minor children born of the marriage; and it shall be the duty of each chancery clerk in the state to make a report of each divorce granted in his county; and on forms furnished by the State Board of Health, to show the following information, as correctly as he is able to make such report: Names of complainant and defendant; their race and color; when married; cause of the divorce briefly stated; number of minor children affected by the decree; and the page and book in which decree is recorded. He shall certify to the said report and affix thereunto his seal, and he shall forward it to the State Board of Health within ten days after adjournment of each term of court in his county. For his services in preparing and forwarding said records to the State Board of Health he shall receive the sum of thirty-five cents for each completed record, to be taxed to costs in each divorce case as other fees are taxed. (2748 Miss. Code 1942).

**EMBALMING BOARD****CHAPTER 223, LAWS 1918****State Board of Embalming**

The state embalming board shall consist of seven members, one to be the executive officer of the State Board of Health and one to be the director of the bureau of vital statistics and the other five to be appointed by the governor by and with the consent of the senate, and all vacancies occurring on the board shall be filled by the governor for the unexpired term. Each member of said board shall serve for a term of four years from the date of his appointment. All members shall be residents of the State of Mississippi, each of whom shall have at least five years' experience in the practice of embalming and the care of and disposition of dead human bodies. The governor shall remove from office any member of the board for neglect of duty, incompetency or improper conduct. (8776 Miss. Code 1942).

**DEAD BODIES FOR MEDICAL SCHOOLS****CHAPTER 205, LAWS 1908****Dead Bodies of Hospital Patients to be Turned Over to Medical Schools in Certain Cases**

The authorities in charge of the hospitals supported in whole, or in part, by the state, are authorized and directed, upon the request of

the secretary of the State Board of Health, to deliver to the duly authorized representatives of the state university, or to any medical college; provided that at the time such call is made, the dissecting material on hand is sufficient for all, but in the event of an insufficiency in dissecting material that the state university shall have preference, for anatomical uses, any dead body of any person dying in any of said hospitals, when said body is not claimed for burial within a reasonable time after death, by some fraternal order, or by some one related to the deceased by blood or marriage, or by some friend; or those that may be needed for use in said hospitals, the dead body of any unknown person, who is a traveler, dying suddenly, shall not be so delivered. Any dead body, so delivered, shall be properly and decently removed from the hospital, at the expense of the party to whom the same may be delivered, and shall be transported under such regulations as the State Board of Health may prescribe, and after use for strictly necessary medical study, in the medical department of the university, or in any medical college, as the case may be, the body shall be decently interred at the expense of the party using the same. The State Board of Health shall have authority to regulate and restrict the use of dead bodies used for the above purposes. The authorities of the hospitals, the secretary of the State Board of Health, and the authorities of the university, and any medical college, shall each cause a record to be kept of each body used and disposed of, under the provisions of this section, and such records shall be subject to inspection of any member of the State Board of Health at any time. (6709 Miss. Code 1942).

## **BARBERS**

### **CHAPTER 118, LAWS 1932**

#### **Qualifications for Certificate of Registration as Registered Barber**

A person qualified to receive a certificate of registration to practice barbering, as follows:

Who is qualified under the provisions of this act; and

Who is at least 18 years of age; and who has passed a satisfactory physical examination by licensed physician showing him to be free from contagious or communicable diseases . . . etc. (8730 Miss. Code 1942).

#### **Rules, Inspection, Records**

The Board of Barber Examiners shall have authority to make reasonable rules and regulations for the administration of the pro-

visions of this act. The Board of Barber Examiners shall adopt the regulations of the State Board of Health governing sanitation of barber shops and barber schools now in effect or as may be hereafter amended, as the regulations of the Board of Barber Examiners for the guidance of registered barbers in the operation of a shop and in the practice of barbering except, however, it shall be optional with the individual barber as to whether he use a mug. Any member of said Board of Barber Examiners shall have the authority to enter upon and inspect any barber shop or barber school at any time during business hours, and shall report to the State Board of Health any instances of violations of the sanitary regulations for action of the State Board of Health. A copy of the rules and regulations of the State Board of Health shall be furnished by the Board of Barber Examiners to the owner or manager of each shop and barber school affected by this Act, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The Board of Barber Examiners shall keep a record of its proceedings relating to the issuance, refusal, suspension, and revocation of certificates of registration. The record shall also contain the name, place of business, and the residence of each registered barber, and each apprentice barber, and the date and number of his certificate of registration. The record shall be open to public inspection at all reasonable times. (8728 Miss. Code 1942).

## CHAPTER 381, LAWS 1946

### **Pollution of Waters—Game and Fish Commission to Control**

Section 1. Wherever the word "person" is used in this act, it shall be construed to include any municipality, industry, public or private corporation, or co-partnership, firm or any other entity whatsoever, and that wherever the words "waters of the state" shall be used in this act they shall be used to include rivers, streams, lakes and all other water courses and waters within the confines of the State of Mississippi.

### **Execute Powers**

Sec. 2. The Mississippi Game and Fish Commission, hereafter referred to as the commission, is authorized, empowered, and required to exercise and execute all the powers and to enforce all rights created, granted and given by this act.

### **Engineer to be Employed**

Sec. 3. The commission shall employ a qualified engineer and such other help and expert, professional and technical services as it deems



necessary to carry out the purposes of this act, and it shall make its own rules and regulations and prescribe its own procedure, except as herein provided, to such end; and it shall meet as is now provided by law; and it shall have a seal, having around the margin the words "Mississippi Game and Fish Commission," and in the center, such device as it may select, and the acts of the commission shall be authenticated by said seal.

The director of the commission shall keep the minutes of the commission, including all orders, rules and regulations, promulgated in a record book or books, especially prepared for that purpose, which records containing such orders, rules and regulations shall be a public record and shall be open to the public for inspection during all reasonable public hours; and a certified copy of any such rules, regulations or orders shall be received in evidence in all courts of the state, with the same effect as the original.

A majority of the members of said commission shall constitute a quorum for any meeting for the transaction of any business coming before the commission.

### **Control of Waste Disposal Public and Private**

Sec. 4. That the commission shall have control of waste disposal, either public or private, by municipalities, industries, public or private corporations, individuals, partnerships, associations or any other entity into any of the lakes, rivers and streams of the state or any tributaries or drains flowing into any of such lakes, rivers or streams within the territorial jurisdiction of the State of Mississippi for the prevention of pollution thereof tending to destroy fish life, or to be injurious to the public health or the public welfare or other aquatic life or wild or domestic animals and fowls; provided, however, the right of municipalities now doing such, to empty fecal matter in the form of sewage into the said waters of the state, shall not be impaired by this act, but such rights on the part of said municipalities shall be subject to reasonable regulations by the commission and especially to the end that injurious waste substances from industries shall not be permitted to be co-mingled with such sewage and then emptied into the said waters of the state.

The commission shall have the authority, after investigation and hearing to adopt, prescribe, and enforce such rules and regulations, not inconsistent with this act, as may be deemed necessary for the protection of the purity of the waters of the State of Mississippi, or parts thereof, and to purify those now polluted, and shall prescribe stand-

ards of purity for effluents for waste treatment plants and approve plans and specifications of waste treatment works and furnish a permit for the operation of such treatment works, and to assure the proper and practical operation and maintenance of treatment works approved by it. A violation of which rules and regulations, after notice, shall also constitute a nuisance under this act.

Rules, regulations, determinations and orders of the commission shall be promulgated by publication in one issue of a newspaper of general circulation in the county affected and also in one issue of a newspaper having a state-wide circulation.

### **Court Action**

Sec. 5. That the commission shall be authorized to bring any appropriate action in court in the name of the State of Mississippi that may appear to it to be necessary to carry out the provisions of this act, including actions for injunction to restrain violations of this act, or to any rules, regulations, determinations and orders made by it hereunder.

### **Right of Entry**

Sec. 6. That the commission or its authorized agents shall have the right to enter at all reasonable times in or upon any private or public property for the purpose of inspecting and investigating conditions relating to the pollution of any waters of this state. The commission shall have the right to call upon any officer, board, department, school, university, or other state institutions and the officers or employees thereof and to require the furnishing of any assistance deemed necessary to the carrying out of this act. The commission shall promulgate rules and regulations and set up standards of purity for waste effluents and to assist in making investigations and advising it with reference to all proper matters. Especially the commission shall have the authority to call upon the state chemist, the state sanitary engineer, and the proper officers or authorities of the state, dealing with oil and gas, to assist it in making investigations and advising it with reference to all proper matters and it shall be the duty of such officers to render such cooperation, and also, sit with the commission in an advisory capacity at any hearings, when so requested to do by the commission. That nothing in this act shall be construed to limit or modify in any manner the powers and duties of the State Board of Health, in matters relative to public health or to interfere with its authority to direct employees of the State Board of Health.

**Pollution Standards**

Sec. 7. That the commission, after investigation and public hearing, shall establish such pollution standards for effluent discharging into lakes, rivers, streams and other waters of the state in relation to the public use to which they are or may be put as it shall deem necessary. It shall have the authority to ascertain and determine for record and in making its order what volume of water actually flows in all streams, and the high and low water marks of rivers, streams and other water of the state affected by the waste disposal or pollution of municipalities, industries, public and private corporations, individuals, partnerships, associations or any other entity. It shall have the authority by order and regulation to regulate, control or restrain the discharge of any waste material or polluting substance discharged or sought to be discharged into any river, stream, lake or other waters of the state. It shall have authority to prohibit any discharge resulting in pollution which is unreasonable and against the public interest in view of the existing conditions in the rivers, streams, lakes or other waters of the state, and further prohibit the discharge of wastes which do not meet the standards set by rules and regulations.

It shall be its duty to investigate each industry, person, firm or corporation operating or intending to locate plants within the state which may discharge industrial wastes into the waters of the state, to promulgate proper standards for the effluents to be discharged by said plants, to approve plans and specifications and issue a permit for the operation of treatment works.

The commission shall investigate from time to time the operations of each treatment works operating under a permit issued pursuant to this section.

If such investigations shall disclose that the treatment works is operating in accordance with the terms and specifications of its permit, the commission shall issue to such works a certificate of compliance, which certificate shall be conclusive evidence for all purposes that the effluent discharged by said treatment works into the waters of the state does not result in pollution that will tend to destroy fish or other aquatic life or wild or domestic animals or fowls or to be injurious to the public health or against the public welfare.

If such investigations shall disclose that the treatment works is not operating in accordance with the terms and specifications of this permit, the commission may issue an order suspending any certificate of compliance theretofore issued to said treatment works and shall



issue an order requiring the treatment works to comply with the terms and specifications of its permit. If the treatment works shall fail to comply with said order within a reasonable time, the commission may issue an order, with consent of the Governor, cancelling the permit of said treatment works and any certificate of compliance theretofore issued to said works.

The commission may re-issue any permit or certificate of compliance suspended or cancelled by it hereunder.

The notice of hearings, provided for in this section, and also, in section 4 hereof, shall be given by the commission by three publications, in a newspaper of general circulation in the city of Jackson, Mississippi, one publication to be made weekly for three consecutive weeks, prior to the date of such hearing and also, in a like newspaper in the county where the hearing is to be held, in event such hearing is not held in Jackson, and in addition to this, the commission may give what other publicity to the hearing as it deems proper.

### **Discharges That Are Harmful**

Sec. 8. That it shall be unlawful for any person to discharge or permit to be discharged into any of the rivers, streams or lakes or other waters of the state any waste or any pollution of any kind that will tend to destroy fish or other aquatic life or wild or domestic animals or fowls or be injurious to the public health or against the public welfare in violation of any rule, order or regulation of the commission, and any person so discharging any such waste or pollution into any of the waters of this state shall be deemed guilty of a violation of the provisions of this act, provided, however, that in cases of existing pollutions, that the commission shall give such person reasonable time within which to eliminate the pollutions.

### **Grounds for Complaint**

Sec. 9. In addition to any other remedies that might now be available, any person or interested party aggrieved by any order of the commission, shall have a right to file a sworn petition with the commission setting forth the grounds and reasons for his complaint and asking for a hearing of the matter involved. The commission shall thereupon fix the time and place of such hearing and shall notify the petitioners thereof. In such pending matters the commission and its members shall have the same full powers, as to subpoenaing witnesses, administering oaths, examining witnesses under oath, and conducting the hearing as is now vested by law in the Mississippi Public Service

Commission, and its members, respectively, as to hearings before it; with the additional power that the director may issue all subpoenas, both at the instance of the petitioner, and of the commission. At such hearing the petitioner, and any other interested party may, present witnesses and submit evidence.

Following such hearing the final order of determination of the commission upon such matters shall be conclusive unless the petitioner, or such other interested party appearing at the hearing, shall, within 15 days after the adjournment of the meeting at which said final order was made, appeal to the circuit court of the county where the hearing was had, or of the situs in whole or in part of the subject matter of the hearing by giving a cost bond with sufficient sureties, payable to the state in the sum of not less than \$100.00 or more than \$500.00, to be fixed in the order appealed from, to be filed with and approved by the director of the commission, who shall forthwith certify the same together with a certified copy of the record of the commission in the matter to the circuit court to which the appeal is taken, where the matter shall be tried anew, and the same shall be a preference case, and the judgment of the circuit court thereof, shall be certified to the commission, and the right of appeal therefrom to the supreme court by any party, including the commission, as in other cases in said court, is here provided.

If a supersedeas is desired by the party appealing to the circuit court, he may apply therefor to the judge thereof, who shall award a writ of supersedeas, without additional bond, if in his judgment material damage is not likely to result thereby, but otherwise, he shall require such supersedeas bond as he deems proper; which shall be liable to the state for such damage.

### **Fine for Violation**

Sec. 10. That any person found guilty of violating any of the provisions of this act, or any written order of the commission in pursuance thereof shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three thousand dollars (\$3,000.00) and cost of prosecution, or by imprisonment in the county jail not to exceed one year or both such fine and imprisonment in the discretion of the court. Each day upon which a violation of the provision of this act occurs shall be deemed a separate and additional violation for the purpose of this act.

### **Jurisdiction**

Sec. 11. Nothing contained in this act shall be construed or have the effect of giving the commission jurisdiction over lakes, or other waters, which are wholly land locked and privately owned or any part of the Mississippi river and the same are specifically excluded from the definition heretofore made of the waters of the state.

### **Validity**

Sec. 12. That any section of this act or provisions of same be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of this act as a whole or any part thereof other than the portion held to be invalid.

### **Act Cumulative**

Sec. 13. That this act is cumulative of the laws now in force in the State of Mississippi, and does not repeal any of such acts, but shall be construed as an ancillary thereto and supplementary, except as that may be in direct conflict herewith.

### **Funds for Provisions**

Sec. 14. That the commission, in executing this act, shall insofar as they deem practical, use their present personnel and the other assistance herein authorized; and what expenditures it makes, in carrying out the provisions of this act, shall be paid from the state game and fish production funds, now allocated to their use in the manner as is now provided by law.

### **Annual Fee for Inspection**

Sec. 15. Any person, firm, or corporation discharging effluent, industrial waste or oil waste into a stream in this state shall pay the following annual fee for inspection of the effluent, industrial or oil waste for determination as to whether such discharge constitutes pollution:

Persons or firms or corporations employing less than twenty-five (25) employees .....	\$ 50.00
Persons, firms or corporations employing twenty-five (25) but less than fifty (50) employees.....	100.00
Persons, firms or corporations employing fifty (50) or more employees .....	200.00

Sec. 16. Chapter 252, Laws of 1942, and Chapter 275 Laws of 1944, be and the same is hereby repealed.



## **Act Necessary for Conservation Wild Life**

Sec. 17. It is ascertained and hereby declared that many waters of this state are being polluted, and that this act is necessary for the preservation of the public peace, health, safety and conservation of our wild life, and it is declared therefore, that an emergency exists, requiring this act to be placed in immediate operation and this act shall therefore take effect and be in force from and after its passage. (Not Coded).

## **POWERS OF MAYOR AND BOARD OF ALDERMEN**

### **Nuisances and Cognate Matters**

To make regulations to secure the general health of the municipality; to prevent, remove, and abate nuisances; to regulate or prohibit the construction of privy-vaults and cess-pools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with sewers and drains; to suppress hog-pens, slaughter-houses, and stock-yards, or to regulate the same and prescribe and enforce regulations for cleaning and keeping the same in order, and the cleaning and keeping in order of warehouses, stables, alleys, yards, private ways, outhouses, and other places where offensive matter is kept or permitted to accumulate; and to compel and regulate the removal of garbage and filth beyond the corporate limits. (3401 Miss. Code 1942).

## **FROZEN FOOD LOCKERS**

### **CHAPTER 391, LAWS 1946**

Section 1. This act shall be known as the "Frozen Food Locker Plant Act of 1946," and the purpose of same is to encourage the operation of frozen food locker plants in this state and to protect and promote the health and welfare of the people of the state in connection therewith.

### **Definitions**

Sec. 2. For the purposes of this act:

(a) "Person" shall mean any natural person, firm, corporation, association, partnership, joint venture, receiver, trustee, guardian, executor, administrator, fiduciary, representative of any kind, or any other group acting as a unit, and plural as well as the singular.

(b) "Board" shall mean the State Board of Health of the State of Mississippi when in session, or the executive committee of the State Board of Health, when said board is not in session and such executive committee is in session, or the executive officer of the State Board of Health, when neither the State Board of Health nor the executive committee thereof is in session. The executive officer of the State Board of Health is referred to herein as the "State Health Officer."

(c) "Food" shall mean and include any article used by man for food, drink, confection, ice, or condiment, or which enters into the composition of the same whether simple, blended, mixed, or compounded.

(d) "Frozen Food Locker Plant" shall mean a location or establishment in which space in individual lockers is rented to a person or persons for storage of frozen food, and such plant shall be equipped with a chill room, sharp freezing facilities, and facilities for cutting, preparing, wrapping and packaging meats and meat products, and which may include facilities for curing, smoking, and processing meat and meat products, and for the handling of fruits, vegetables, eggs, and other edible products.

(e) "Branch Frozen Food Locker Plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after sharp freezing at a frozen food locker plant.

(f) "Sharp Frozen" shall mean the freezing of food in a room in which the temperature is zero degrees Fahrenheit or below.

(g) "Permit" shall mean a written permit issued by the board for the operation of a frozen food locker plant or branch frozen food locker plant in conformity with the provisions of this act.

## **Permit**

Sec. 3. From and after the first day of May, 1946, no person (and this term shall also include the State of Mississippi and any county or other political subdivision thereof) shall operate in this state a frozen food locker plant or branch frozen food locker plant unless there has been issued to such person by the board, and same is in full force and effect, a written permit to operate such plant or branch thereof. Written application shall be made to the board for a permit, and the board shall prescribe the form of such application and permit. Each permit shall cover only one location or place of business of such

plant or branch plant, which location shall be designated therein, and same shall be personal to the holder and not assignable.

### **Examination of Plant**

Sec. 4. Upon receipt of an application for a permit for a new frozen food locker plant or branch plant thereof, the board shall, within thirty (30) days after receipt of such application, cause an inspection to be made of the locker plant or branch locker plant, its equipment, facilities, and surroundings, and if its construction, equipment, and operations comply with the provisions of this act and of the valid rules and regulations of the board promulgated hereunder or applicable to such plants, the board shall issue such permit.

Upon receipt of an application for permit for the operation of such plant or branch plant that was in existence and operating on the effective date of this act, the board shall, within ninety (90) days, after the effective date of this act, inspect such plant or branch plant, and if its construction, equipment and operation comply with the provisions of this act and the valid rules and regulations of the board promulgated hereunder or applicable to such plants, the board shall issue such permit.

After inspection of any plant or branch plant, if the same does not meet the requirements of this act and the rules and regulations of the board promulgated hereunder, the application for permit shall be denied, but the board shall make a written report of its inspection and its findings specifying wherein the plant does not meet such requirements, and prescribing a reasonable time within which the existing violations of the act and the regulations may be corrected. One copy of this written report shall be left at the plant or branch plant and one filed in the offices of the board at Jackson, Mississippi.

No such existing plant or branch plant shall be considered as operating in violation of this act or of the rules and regulations promulgated hereunder until an inspection thereof has been made, a written report specifying such violations has been left at the plant, and until the person operating the same has been given a reasonable time within which to correct such violations.

### **Inspection and Revocation of Permit**

Sec. 5. Every frozen food locker plant or branch locker plant shall be subject to inspection by the board at any reasonable hour; and such locker plants shall be maintained in a sanitary condition and conducted with strict regard to the influence of such conditions upon the



food handled therein, and any person operating a plant or branch plant under this act, who fails to comply with the provisions of the act and any valid rule, regulation or order promulgated hereunder, shall suffer a revocation of his permit. However, no permit issued hereunder may be revoked by the board until the operator of such plant is given at least twenty (20) days' written notice either personally or by registered mail of the intention of the board to revoke the permit, such notice assigning the causes for the revocation of the permit, and setting a time and place for hearing thereon, at which time and place the holder of the permit shall have an opportunity to be heard and to present his objections to the revocation thereof. A permit, when granted, shall be conspicuously displayed by the operator in each locker plant or branch locker plant covered by same.

### **Storing of Impure Food**

Sec. 6. No article of food shall be stored in any frozen food locker plant unless it is in a proper condition for storage and meets all the requirements of the pure food and drug laws and such rules as may be established by the board for the sanitary preparation of food products which are to be stored.

### **Foods not Intended for Human Consumption**

Sec. 7. Foods or other products not intended for human consumption shall not be stored in a frozen food locker plant except such items of animal or vegetable matter which may have been approved by the board.

### **Construction of Plant—Equipment**

Sec. 8. The floors, walls, and ceilings of locker plants and branch locker plants including all food processing rooms, slaughtering and other facilities, shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. Walls and ceilings shall be well painted or finished in some other approved manner and shall be refinished as often as necessary. Washing facilities including hot and cold water shall be provided for proper cleansing of utensils and equipment. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

Any plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the board and shall keep the same where it will be readily accessible.

The plans for all future frozen food locker or branch locker plants hereafter constructed or plants undergoing extensive alterations shall be submitted to the division of sanitary engineering of the State Board of Health, and approval secured prior to the construction or alteration of such plants.

### **Sanitation and Cleanliness**

Sec. 9. All rooms of a locker plant or branch locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be clean when put into use and shall be thoroughly cleansed after each day's use and shall be so stored or protected as not to become contaminated. Lockers shall be thoroughly cleansed before they are leased or put into the possession of any patron. The premises and surroundings of locker plants and branch locker plants shall be maintained in a clean and sanitary condition. The food stored shall be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers. Waste or offal incident to the slaughtering, cleaning, storing or preparation of any food for storage shall be promptly removed from the premises and disposed of in a sanitary manner.

No room or rooms used for the preparation, storage, display or sale of food or for the processing of food shall be used as a living room or sleeping room nor shall any such rooms have a direct connection to a living room or sleeping room, nor shall dogs, cats or other domestic animals be permitted in any such rooms.

### **Water Supply, Toilet Facilities**

Sec. 10. Locker plants shall have an ample water supply conveniently accessible to all operations and approved by the board. Locker plants or branch locker plants shall be provided with adequate toilets so located as to be readily accessible to employees and equipped with adequate hand washing fixtures or facilities, supplied with hot and cold water under pressure, soap and approved towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition and in good repair.

## Temperature Required

Sec. 11. The refrigeration system for a locker plant or branch locker plant shall be equipped with accurate and reliable controls for the automatic maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant, the following temperatures in the several rooms, respectively :

(a) **Chill Room.** Temperature of thirty-four (34) degrees above zero (0) Fahrenheit plus or minus two (2) degrees with a tolerance of ten (10) degrees Fahrenheit for a reasonable time after fresh food is put in for chilling.

(b) **Sharp Freeze Room—Sharp Freezing Compartments.** Temperatures of ten (10) degrees below zero (0) Fahrenheit or lower or temperature of zero (0) degrees Fahrenheit or lower when forced air circulation is employed with a tolerance of five (5) degrees Fahrenheit for either type of installation for a reasonable time after fresh food is put in for freezing.

(c) **Locker Room.** Temperature of not to exceed zero (0) degrees Fahrenheit with a tolerance of three (3) degrees Fahrenheit higher.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to defrosting. For experimental purposes, the board, upon an application in writing, may authorize for a limited and prescribed period, the installation and use of refrigeration systems or methods which in the opinion of the board will result in improvement over present methods.

An accurate direct reading thermometer shall be provided in the chill room and in the sharp freeze room or compartment. An accurate self-registering or self-recording thermometer of a type approved by the board shall be provided in the locker room. The discs or other temperature records of such thermometer shall be kept at the plant and shall be preserved for at least one (1) year from the date of the recording. The thermometer in the locker room shall be placed in a position where it is readily observable by patrons.

## Inspection, Wrapping, Identification of Stored Food

Sec. 12. No food shall be placed in a locker for storage unless it has been sharp frozen at an approved plant. No foods shall be placed in a locker unless such foods have been inspected by the operator. No



unwrapped meat or unwrapped or unpacked fruits or vegetables shall be placed in any locker. Only paper suitable for the wrapping of meats that are to be frozen and stored, shall be used. Each wrapped portion shall be marked or stamped with the correct locker number and the date of wrapping.

### **Warehousemen**

Sec. 13. Persons who own or operate frozen food locker plants or branch locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

### **Storage Lien**

Sec. 14. Every person owning or operating a frozen food locker plant or branch plant shall have a lien upon all property of every kind in its possession for all reasonable charges and rents thereon and for the handling, keeping and caring for the same. Every person owning a frozen food locker plant or branch plant shall be responsible to the owner of such food as stored therein for the proper protection of same to the extent of the marketable value due to loss by theft or spoilage caused by negligence on the part of owner, operator or employee.

### **Annual Inspection Fee**

Sec. 15. For the purpose of paying expenses of the board in the enforcement of this act and of the rules, regulations and orders promulgated hereunder, there is hereby levied against the person operating a frozen food locker plant for each such plant an annual inspection fee of fifteen dollars (\$15.00) and against each person operating a branch frozen food locker plant for each such plant an annual inspection fee of five dollars (\$5.00). Such annual inspection fee shall be paid to the board on or before the first day of May in each year, and within thirty (30) days after receipt thereof shall be paid over by the board to the treasurer of the State of Mississippi to be held by him in a special trust fund to be known as the "frozen food locker plant fund," and which shall be used and expended solely by the board for the purposes of this act.

Warrant shall be issued by the state auditor of public accounts upon such special fund in the state treasury upon requisitions issued by the board or by the state health officer. Any amount remaining in said fund at the end of the year shall be carried over from year to year and expended only for the purposes specified in this act. In case of

default in the payment of any such fees or part thereof, when same shall become due, then the holder of the permit for the operation of such plant shall be liable to a penalty of five (5) per cent per month on the amount of such fee for each month it remains in default, which fee and penalty may be recovered by suit of the board, and any such penalty, as well as such fees, when collected by the board shall be paid to the state treasurer to be covered into the said fund. A lien is hereby declared, and shall exist, upon all the property of such permit holder, for the payment of fees prescribed by this act, together with all penalties accruing hereunder, and such liens shall be superior to all other liens except federal, state, county, and municipal taxes.

### **Rules and Regulations**

Sec. 16. For the purpose of carrying into effect the provisions of this act, the board shall have the authority to make and promulgate such reasonable rules, regulations, and orders as it may deem necessary or advisable. Before the board shall make or prescribe any general order, rule, regulation, or requirements pursuant to the provisions of this act, written notice of the contemplated order, rule or regulation shall be given by the board by mail to all holders of permits under this act, and in the case of the initial rules, orders, or regulations promulgated hereunder also to all persons known to be operating any frozen food locker plant or branch plant within this state. Such notice shall prescribe a time and place when the board will hear any objections which may be urged by any interested persons to the proposed order, rule, or regulation, and such notice shall be mailed at least ten (10) days before the time of such hearing. All general orders, rules, and regulations shall be duly entered in a well bound book to be kept by the board for that purpose and which shall be open to public inspection, and copies thereof shall be furnished to any person interested and requesting the same.

Sec. 17. The duties of the board under this act may be performed by any duly designated representative or employee of the board. Any matter requiring a hearing shall be heard and decided by the board or by a duly designated employee or representative of the board. With respect to such matters the employee or representative of the board shall have all the rights, duties, powers, and jurisdiction conferred by this act upon the board.

The board may proceed in any court of competent jurisdiction to enforce the provisions of this act and of any valid rule, regulation, or order promulgated hereunder. ,

In addition to the funds derived from the collection of annual inspection fees under this act, the board may expend such funds for the enforcement of this act as may be appropriated for that purpose by the legislature either directly or as included in the appropriation for the board.

The board is authorized to employ such personnel as necessary to enforce the provisions of this act, fix their compensation, and pay this and the other reasonable expenses for administration hereof out of any such funds available for that purpose.

### **Penalty**

Sec. 18. Any person who shall willfully violate any provisions of this act or of any lawful rule, regulation, or order of the board promulgated hereunder shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or shall be imprisoned in the county jail not exceeding thirty (30) days or shall be subject to both such fine and imprisonment.

### **Constitutionality**

Sec. 19. If any separable part or parts of this act should be held to be unconstitutional and void by a court of competent jurisdiction such decision shall not affect the validity of the remainder hereof.

### **Provisions and Produce—Selling Meat of Animal Not Slaughtered, or Unwholesome Bread or Drink.**

Any butcher or other person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any baker, brewer, distiller, or other person, who shall knowingly sell unwholesome bread or drink, shall, on conviction thereof, be punished by imprisonment in the penitentiary not more than five years nor less than one year. (2336 Miss. Code 1942).

## **CHAPTER 190, LAWS 1928**

### **County Mosquito Control Commission Authorized**

The county board of supervisors in any county of this state may, with the approval of the state health officer, appoint three persons who will constitute a board of commissioners of said county to be known as "The . . . county mosquito control commission," (inserting the name of the county in and for which the commissioners are appointed). The commissioners first appointed under these pro-



visions in any county shall hold office respectively for the term of one, two and three years, as indicated and fixed in order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of three years; vacancies in the said commission occurring by resignation or otherwise shall be filled by the county board of supervisors with the approval of the state health officer, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed when duly qualified, constituting such commission and their successors are hereby created a body politic, with power to sue and be sued, to use a common seal and make bylaws; the members of any such commission shall serve without compensation, except that the necessary expenses of each commissioner for actual attendance of meetings and a per diem of \$5.00, the total per diem not to exceed \$25.00 for any one commissioner per month, of said commission shall be allowed and paid. The president and secretary shall furnish bond in the amount of \$5,000.00 each, the fee for same to be charged to available funds obtained for the work herein mentioned. No person employed by the said commission shall be a member thereof; before entering upon the duties of his office each commissioner shall take and subscribe an oath or affirmation before the clerk of the county in and for which he is appointed, to faithfully and impartially perform the duties of his office, which oath or affirmation shall be filed with the clerk of the county wherein the commission of which he is a member is appointed; every such commission shall annually choose from among its members a president and treasurer, and employ a director who is trained in mosquito control operations, and whose duty it shall be to direct the work of the commission as its executive, a clerk or secretary, and such other help as it may deem necessary to carry out the purposes of this article; it may also determine the duties and compensation of such employees, and make all rules and regulations respecting the same. It shall be the duty of the county board of supervisors in each county to provide such commission with a suitable office where its meetings may be held, its maps, plans, documents, records, and accounts shall be kept, and office work carried on. The commission shall hold monthly meetings, and not less than two members shall constitute a quorum. (7097 Miss. Code 1942).

### **Director of State Board of Health to Be Member**

The state health officer shall be a member ex-officio of each commission and shall co-operate with them for the effective carrying

cut of their plans and work. The said state health officer shall serve without compensation, except that the necessary expenses actually incurred by him in the attendance of meetings of said commissions shall be allowed and paid. The State Board of Health, or its representative, shall, upon request of the commission, furnish the said commissions with such surveys, maps, information, and advice as may be available for the prosecution of the work, or, as in their opinion, will be of advantage in connection therewith, the expense of surveys being paid, in whole or in part, by said commission. (7098 Miss. Code 1942).

### **Two Counties May Act Jointly**

Two or more counties may combine for the purpose of carrying out these provisions in the respective counties, each county retaining all rights set forth herein, but the commissioners in the counties combined may enter into agreement to employ for purposes of economy, the same director and other personnel for the work of the commission in the counties so combined, all expenses, including salaries, labor, material, and the like being paid by the county in which the work is performed. (7099 Miss. Code 1942).

### **Outside Aid May Be Accepted**

The county board of supervisors and board of commissioners, so appointed, may with the approval of the state health officer receive and accept any aid whatsoever from any source calculated to further the success of a plan or plans based on these provisions. (7100 Miss. Code 1942).

### **Powers of Commission**

Every such commission shall have the power to eliminate all breeding and producing places of mosquitoes within the county wherein it is appointed, and to do and perform all acts and to carry out all plans which in their opinion and judgment may be necessary or proper for the survey and elimination of breeding and producing places of mosquitoes or which will tend to exterminate mosquitoes within said county. (7101 Miss. Code 1942).

### **Plans and Estimates of Cost to Be Filed Annually**

Said commission shall, on or before the first day of November in each and every year, file with the state health officer a detailed estimate of the moneys required for the ensuing year, and a plan of the work to be done and the methods to be employed. The said state health officer shall have the power to approve, modify, or alter the said estimates, plans and methods, and the estimate, plan and method

finally approved by him shall be forwarded to the county board of supervisors in each county on or before the first day of December following its receipt. (7102 Miss. Code 1942).

### **Item May Be Included in Tax Levy**

The county board of supervisors of each county or other body having control of the finances thereof, may include the amount of money approved by the commission and the state health officer, annually in the tax levy; provided, however, that in no year shall the amount so raised exceed the amount hereinafter specified, to wit: In counties where the assessed valuations are less than \$20,000,000.00, a sum not greater than one and one-half mills on every dollar of assessed valuations. (7103 Miss. Code 1942).

### **How Funds Expended**

The moneys so raised, or so much thereof as may be required, may be paid from time to time for the operations, work, materials and labor of said commission, duly signed and approved by the president and secretary thereof by order of the board of supervisors. (7104 Miss. Code 1942).

### **Annual Report to Be Filed**

It shall be the duty of each commission annually, on or before the 20th day of January in each year, to submit to the state health officer and the county board of supervisors in their respective counties, a report setting forth the amount of moneys expended during the previous year, the methods employed, the work accomplished, and any other information which, in the judgment of the board of supervisors, may seem pertinent. (7105 Miss. Code 1942).

### **Existing Laws Not Affected**

Nothing herein shall be construed to alter, amend, modify, or repeal any statute conferring upon state or local boards of health any powers or duties in connection with the extermination of mosquitoes in said state, but shall be construed to be supplementary thereto. (7106 Miss. Code 1942).

## **DENTAL HYGIENIST**

### **CHAPTER 131, LAWS 1928**

### **Dental Hygiene Defined**

Any person shall be regarded as practicing dental hygiene within the meaning of this chapter, who shall engage in the practice of re-



moving calcareous deposits, accretions or stains from the exposed surfaces of the teeth, or applying such agents as the dentists may direct for the arrest of dental caries in children's teeth. The work of the dental hygienist shall at all times be under the general supervision and direction of the regularly licensed and registered dentists, and must be employed and working in dentists' offices, or in the employ of the state board of health or public school boards. Dental hygienists are forbidden from making public demonstrations of dental hygiene except in public health work when under the direction and supervision of regularly licensed and registered dentists. (8748 Miss. Code 1942).

## CHAPTER 276, LAWS 1944

### **Examination for Licenses**

Every person who desires to practice dentistry or dental hygiene in the state of Mississippi shall apply in writing to the secretary of the board of dental examiners for an examination at least ten days prior to the examination.

Such applications must be signed by two reputable citizens of the state of which the applicant is a resident, attesting under oath that the applicant is a citizen of the United States, of good moral character, and that he possesses at least a high school education and in addition thereto the applicant shall exhibit with such application a diploma or a certificate of graduation from a class of A or B dental college or school of dental hygiene of the United States. Every person who applies for license to practice dentistry or dental hygiene shall be a citizen of the United States, at least twenty-one years old, and shall submit upon request such proof as the board may require as to age, character and qualifications. The applicant for license to practice dentistry shall pay a fee of twenty-five dollars and the hygienist fifteen dollars to the secretary on filing his or her application, and shall appear before the board and be examined by it touching his or her learning and skill in dentistry or dental hygiene, and if found by the members of the board conducting the examinations to possess sufficient learning and skill therein and to be of good moral character, the board shall as early as practicable grant to such person a license to practice dentistry or dental hygiene as the case may be, which shall be signed by each member of the board who attended the examination, and approved the issuance of a license. (8755 Miss. Code 1944). (Supplement).

**COUNTY HEALTH WORK****CHAPTER 309, LAWS 1926****Counties May Create Health Departments**

Each county in the state is authorized in their discretion to create a department of health for the county and to appoint a director for same who shall be required to give his entire time to the work. Said director shall be a graduate physician, well trained in health work and shall be selected on the recommendation of the State Board of Health or its executive committee to the board of supervisors of the county. In event any county is unable to have a department of health of its own on account of its size or lack of finances, two or more counties are authorized to join and constitute a sanitary district out of the counties so uniting and may select, on the recommendation of the State Board of Health or its executive committee to the board of supervisors of such counties, one physician for the sanitary district so created and the physician so appointed shall give all his time to the affairs of the district. When any county or counties create a health department hereunder, then all other local or municipal or county public health agencies and departments are thereby automatically abolished and said county and district health departments shall have full control over all health matters in said county and counties, including all municipalities therein, but subject to the supervision, direction, and jurisdiction of the State Board of Health; provided, however, that the proper authorities of any municipality in the state of Mississippi are hereby authorized in their discretion to make an appropriation for the support of such county or district health department from the general funds of such municipality. (7082 Miss. Code 1942).

**CHAPTER 272, LAWS 1940****County Health Department—Indigent Sick**

Section 1. The boards of supervisors of the various counties in the state are hereby authorized, in their discretion, to levy and collect annually an ad valorem tax on all taxable property of the county not to exceed two mills in order to raise money for treatment of the indigent sick, for the promotion of public health of the county and for the support and maintenance of a full time county health department.

All revenue derived from the tax provided for in this section shall be covered into the public health fund of the county and shall be subject to the appropriation of the boards of supervisors

as the statutes provide for the treatment of indigent sick in the county and for the promotion of public health therein, and for the support of a full time county health department.

Sec. 3. The tax levy herein authorized may be levied and collected without regard to any tax or levy limitation or restriction contained in any law, general or special, and this act is supplemental and cumulative to any and all laws relating to tax levy. (2996 Miss Code 1942).

## CHAPTER 212, LAWS 1942

### **Supervisors May Acquire Real Estate**

Sec. 1. The board of supervisors of any county in the state be and it is hereby empowered, in its discretion, to acquire by gift, donation or purchase necessary real estate on which to erect, construct or reconstruct public health buildings and clinics sponsored by the public health units of any county, or a public health building to house the county health department; said funds to be expended out of the general fund or out of any fund collected from a special levy made by said county for public health purposes.

Sec. 2. In said construction the board of supervisors of all counties are hereby empowered to erect said buildings in conjunction with any municipality situated in any county or in conjunction with the Works Progress Administration or other federal agency, and the board of supervisors is hereby authorized to sponsor any of such said projects, or, in the discretion of said board, said buildings may be constructed under contract after advertising as provided by law and upon competitive bids received therefor. (2997 Miss. Code 1942).

## CHAPTER 264, LAWS 1940

### **Maintenance of Department—Supervisors to Make Provision for**

The board of supervisors shall be authorized to make such appropriations for said department of health as may be necessary to pay the salary of the director or health officer, and the salaries of all necessary sanitary inspectors, nurses, and such other employees as may be employed for carrying on the work; and the board shall be authorized to pay all necessary traveling expenses of said employees in the performance of their duties; and the board shall be authorized to pay for all necessary medicine, materials and supplies; and the



board shall provide an office for its health department, and furnish said office, and its employees, with all necessary record books, stationery, stamps, tables, chairs, furniture and all other necessary articles; and the board is also authorized to do any and all things necessary and proper to maintain and support a health department. Where two or more counties shall unite in having a department of health, the amount contributed by each for maintaining and supporting the work shall be agreed upon by the respective counties, subject to the approval of the State Board of Health, or its executive committee, and all salaries to be paid shall be recommended by the State Board of Health, or its executive committee to the board of supervisors of the county or counties for which the officers or employees are to act. All employees shall be recommended by the State Board of Health, or its executive committee, and all salaries shall be recommended in the same way. (7085 Miss. Code 1942).

## CHAPTER 195, LAWS 1942

### **Counties and Municipalities, Therein, With Military Camps, etc., Authorized to Construct Waterworks and Sewage Disposal Systems**

Section 1. Counties or municipalities of such counties of the State of Mississippi having in whole or in part a national guard camp, United States army training camp, army air base or artillery range, be and they are hereby authorized and empowered by resolution adopted by a majority vote of their governing bodies, (1) to acquire, lease, construct, improve, or extend, within and without their territorial limits, waterworks systems, sewer systems, sewage disposal systems, garbage disposal systems, rubbish disposal systems, or any one or any combination thereof; and (2) to borrow money and issue bonds therefor, pursuant to the provisions of this act and without regard to the limitations and restrictions of any other law, for the purpose of financing the acquisition, leasing, construction, improvement, or extension of any one or any combination of such systems or public works, which bonds shall be payable as to both principal and interest from revenues derived from the operation of any one or any combination of such systems or public works, as the same may be added to, extended, or improved. Provided, however, said bonds shall be subject to validation under the laws of this state:

provided, further, none of the provisions of this act shall operate to dispense with approvals respecting such systems or public works by any state department or agency in accordance with law. (2987 Miss. Code 1942).

### **Same Powers in Regard to Such System**

Sec. 2. That counties of this state be and they, or the municipalities of such counties, are hereby authorized and empowered (1) to own, operate, and maintain any one or any combination of the systems or public works described in section 1 of this act; (2) to acquire property, real or personal, by contract, gift, grant, purchase, or the exercise of the power of eminent domain in connection with the acquisition, leasing, construction, improvement, extension, ownership, operation, maintenance, and financing of any one or any combination of such systems or public works; (3) to enter into contracts respecting the acquisition, leasing, construction, improvement, extension, ownership, operation, maintenance and financing of any one or any combination of such systems or public works; and (4) to establish, maintain, and collect rates, fees, and charges for the services, facilities, and commodities afforded by any one or any combination of such systems or public works, which such rates, fees, and charges shall be sufficient at all times to provide revenues, (a) to pay the reasonable expenses of the operation and maintenance thereof; (b) to the establishment and maintenance of a bond retirement and interest payment fund sufficient to provide for the payment of the principal of and interest on any bonds or other obligations payable therefrom as the same become due and payable, including reasonable reserves for the payment of such principal and interest; and (c) to the establishment and maintenance of a reasonable reserve for future additions, extensions, and improvements to such systems or any combination thereof, as the case may be. (2988 Miss. Code 1942).

### **Acts—Supplemental**

Sec. 5. That the powers conferred by this act shall be in addition and supplemental to, and the limitations hereof shall not affect, the powers conferred by any other law; and the powers conferred by this act are not in substitution for the powers conferred by any other law. (2991 Miss. Code 1942).

## CHAPTER 276, LAWS 1942

**State Owned Property Used for Erecting Buildings**

Sec. 1. There is hereby set apart and dedicated for the purpose of erecting and equipping and maintaining a public health department building for the state of Mississippi, said lot hereby set apart and dedicated for said purpose, to begin at the southwest intersection of State and Manship streets in the city of Jackson and run thence along the edge of Manship Street parallel with said street, a distance of four hundred fifty (450) feet, and thence in a southerly direction, one hundred eighty (180) feet, and thence in an easterly direction, four hundred fifty (450) feet, thence in a northerly direction, parallel and along State Street, one hundred eighty (180) feet, to the point of beginning. The title and use of said property to be in the State Department of Health of the State of Mississippi, or the State of Mississippi and the United States government, or the United States government or the duly authorized commission thereof for such uses, so long as the legislature shall maintain a public health department and buildings thereon, and to be used for the purposes of carrying on the State Health Department work with such facilities as may be needed and useful in the conducting of said work. Upon the lot so set apart and dedicated, the commissioners, hereafter provided for in this bill, shall adopt plans and specifications for such building and may, when funds are provided therefor as hereinafter stipulated in this bill, contract for the erection and equipment of this building according to plans and specifications adopted by the commissioners herein provided for and such commissioners may, in cooperation with the federal government, or its agencies, secure funds from the federal government to be used for the purpose of establishing and maintaining the said public health department and buildings and equipment and may use such funds as the legislature of the State of Mississippi may hereafter appropriate for such purpose in conjunction with funds received from the federal government, or any of its agencies, if any are so secured. It being the purpose of this act to secure adequate quarters, equipment and facilities for the public health department of the State of Mississippi and to have a central location in the city of Jackson suitable for the public health work of said public health department of the state.

Sec. 2. That the capitol commission of the State of Mississippi composed of the governor, the secretary of state, the insurance com-



missioner, and the state tax collector, together with the secretary and executive officer of the State Board of Health of the State of Mississippi, and two members of the state medical association of the State of Mississippi, who shall be experienced in public health work and qualified electors of this state, shall constitute the "commission." Each member of the commission, while engaged in the carrying out of the purposes of this act, shall receive a per diem of five dollars (\$5.00) per day and necessary traveling expenses if they are not in the employment already of the state government but those that are employed by the state government on salary shall not be served with the compensation other than the necessary traveling expenses. The commission hereby created shall have power to adopt plans and specifications for the erection of suitable buildings on said lot therein dedicated and equip the said buildings with necessary equipment and facilities for carrying on public health work. The said commission may also negotiate with and solicit from the federal government funds to aid the public health department in its work and in the equipment and building of the buildings and the facilities and equipment necessary and useful in the operation of the said public health department, aiding and assisting in the work also of the federal government in its health work within the State of Mississippi. The terms of office of the said commissioners shall be five years from their appointment and should a vacancy occur by death or resignation or other causes, the successors to the duly elected members of the capitol commission and the secretary and executive officer of the State Board of Health shall fill those positions respectively, and in the case of the two members of the medical association, their successor shall be selected by the other members of the commission from the medical association for the unexpired term.

Sec. 3. In devising plans and specifications for the said buildings, its equipment and facilities, a commission herein created may seek the advice and assistance of officers or employees of the federal government, engaged in public health service and having large experience in public health work and in use of facilities and buildings therefor, so as to secure the best available information for the construction and erection of equipment and other facilities of the said public health building, or buildings, erected upon the lot herein dedicated for such purposes. (Not Coded—L).

## CHAPTER 315, LAWS 1944

**Communications Privileged**

All communications made to a physician or surgeon by a patient under his charge or by one seeking professional advice, are hereby declared to be privileged, and such physician or surgeon shall not be required to disclose the same in any legal proceeding, except at the instance of the patient or in case of the death of the patient, by his personal representative or legal heirs in case there be no personal representative. (1697 Miss. Code 1944 Supplement).

## CHAPTER 272, LAWS 1944

**Enrichment of Degerminated Meal and Grits**

Whereas, there exists a wide spread deficiency of certain ingredients, necessary to the health and well-being of the people, in certain common foods, it is necessary and advisable to protect insofar as may be possible the health of the people of this state against such deficiency by providing for the addition of such ingredients, normally present in corn, to degerminated corn meal and to degerminated hominy grits.

Now, Therefore:

Section 1. Be it enacted by the Legislature of the State of Mississippi, That this act be cited as the "degerminated corn meal and grits act." (7129-01 Miss. Code 1944 Supplement).

**Definitions**

Sec. 2. The following definitions shall apply in the interpretation and enforcement of the provisions of this act:

(a) The term "degerminated corn meal" includes and shall be limited to all ground corn, corn meal, and bolted corn meal intended for human consumption which has undergone a refining process with a resulting loss of more than 10% of the germ. (7129-02 Miss. Code 1944 Supplement).

(b) The term "degerminated hominy grits" includes and shall be limited to all corn grits, grits, pearled grits and endosperm portions of corn intended for human consumption which has undergone a refining process with a resultant loss of more than 10% of the germ.

(c) The term "enrichment" as applied to degerminated corn meal and degerminated hominy grits means the addition thereto of vita-

mins and other ingredients of the nature and quantity required by this act; and the terms "enriched degerminated hominy grits" and "enriched degerminated corn meal" mean grits or corn meal, as the case may be, which has been enriched to conform to the requirements of this act.

(d) The term "person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any unincorporated organization.

(e) The term "appropriate federal agency" means the Federal Security Agency, or any agency or department or administrative federal officer charged with the enforcement and administration of the federal food, drug, and cosmetic act. (7129-02 Miss. Code 1944 Supplement).

### **Vitamins and Other Ingredients—Addition of**

Sec. 3. On and after February 1, 1945 it shall be unlawful for any person, firm or corporation except as hereinafter provided, to manufacture, mix, compound, or sell for human consumption in the State of Mississippi any degerminated hominy grits or degerminated corn meal which does not contain the vitamins and other ingredients contained in the following formula:

(a) In each pound of degerminated hominy grits and of degerminated corn meal there shall be not less than 2.0 milligrams of vitamin B-1 (thiamin), not less than 1.2 milligrams riboflavin, not less than 16 milligrams of niacin (nicotinic acid) or niacin amide (nicotinic acid amide), not less than 13 milligrams of iron (Fe). These ingredients and amounts are in accordance with the standard for enriched flour as promulgated by the Federal Security Agency (Federal Register Vol. 6 pp. 2579-82, May 27, 1941 and Federal Register Vol. 8 p. 7514, June 5, 1943).

(b) If other vitamins or minerals are added to degerminated hominy grits or degerminated corn meal, they shall be added only in accordance with such pertinent regulations as promulgated by the Federal Security Agency

(c) The state health officer is empowered with the authority, and is directed, to change or add to these specifications for ingredients and the amounts thereof as may be required in order to conform to changes in the federal definitions of enriched degerminated grits and enriched degerminated corn meal.

(d) Iron shall be added only in forms which are harmless and assimilable. The substances referred to in section 2 (a) may be added



in a harmless carrier which does not impair the enriched degerminated hominy grits or enriched degerminated corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the grits or corn meal. (7129-03 Miss. Code 1944 Supplement).

#### **Same—Method of Addition**

Sec. 4. The enrichment of degerminated hominy grits or degerminated corn meal may be accomplished by a milling process, the use of synthetic vitamins, other enriching ingredients, harmless and assimilable inorganic salts or by any combination of methods which will produce enriched grits or corn meal as herein defined: Provided, that:

(a) The grits and corn meal shall be so enriched that the enriching ingredients are evenly distributed. The concentration of any enriching ingredient in the top of the container shall not differ more than fifteen per cent (15%) from that in the bottom of the container after being subjected to rough transportation conditions.

(b) The grits shall be so enriched that not more than 10% of the vitamins and minerals are lost when rinsing or the package shall carry the wording "Do Not Rinse" in a conspicuous place. (7129-04 Miss. Code 1944 Supplement).

#### **Labeling Requirements as To**

Sec. 5. The labeling of all grits and degerminated corn meal sold or offered for sale in this state for human consumption shall conform not only to the provisions of this act but also to the labeling requirements of the federal food, drug and cosmetic act; and the regulations promulgated thereunder, with respect to such products when introduced in interstate commerce. (7129-05 Miss. Code 1944 Supplement).

#### **Enforcement by State Health Officer—Penalty**

Sec. 6. The provisions of this act shall be enforced by the state health officer who is authorized and directed to issue such rules as may be necessary to regulate the manufacture and sale of enriched degerminated hominy grits and enriched degerminated corn meal in this state under the provisions of this act. The state health officer or his agent or representatives shall have authority to enter upon the premises of any manufacturer of grits or corn meal, and of any wholesale or retail dealer in grits or corn meal for the purpose of inspecting or analyzing grits or corn meal which may be offered for sale; and any person, firm, or corporation found guilty of violating the terms

of this act shall be subject to fine for each and every offense, in a sum not exceeding \$500.00 or by imprisonment not exceeding thirty days. (7129-06 Miss. Code 1944 Supplement).

### **Act Not Applicable on Certain Cases**

Sec. 7. (a) The terms of this act shall not apply to grits or corn meal ground for the corn producer from the producer's corn whereby the miller is paid in corn or feed for the grinding service rendered, except insofar as a mill or corn producer may produce degerminated products as defined in section 3 and offer these products for sale whereupon this act shall be applicable.

(b) The terms of this act shall not apply to grits or corn meal sold to bakers or other commercial secondary processors providing the purchaser furnishes to the seller an approved certificate of intent to use said grits or corn meal solely in the production of enriched grits or corn meal as herein defined or in the manufacture of legitimate products not covered by the provisions of this act.

(c) The terms of this act shall not apply to grits or corn meal which is made from the entire corn with no parts of the corn removed from the mixture, but shall not be construed to prevent the enrichment of such products if so desired by the manufacturer. Any products so enriched must conform to standards and labeling provisions as provided in this act as modified by the state health officer. (7129-07 Miss. Code 1944 Supplement).

### **Shortage of Ingredients—Procedure When**

Sec. 8. In the event of the finding by the state health officer that there is an existing shortage or imminent shortage of any ingredients required by section 3 of this act, with the result that the sale and distribution of meal or grits may be substantially impeded by the enforcement of this act, the state health officer shall issue an order to be effective immediately upon issuance, permitting the omission of such ingredients from meal and grits. Whenever the state health officer finds that such a shortage no longer exists, he shall issue an order, to be effective not less than ten days after publication thereof, revoking such order. (7129-08 Miss. Code 1944 Supplement).

## **CHAPTER 274, LAWS 1944**

### **Enrichment of Flour and Bread**

Whereas, there exists a wide-spread deficiency of certain constituents in foods necessary to the health and well-being of the resi-

dents of the State of Mississippi, and, insofar as may be possible, the health of the residents of the State of Mississippi should be protected against such deficiency by provisions being made for the addition to flour and bread of such necessary constituents, normally present in wheat, and by provisions of formulas for such addition, and rules for enforcement thereof.

Now, Therefore:

Section 1. Be it enacted by the Legislature of the State of Mississippi, That this act may be cited as the "Flour and Bread Enrichment Act." (7129-20 Miss. Code 1944 Supplement).

### Definitions

Sec. 2. (a) The term "flour" includes and shall be limited to flour of every kind and description made wholly or partly from wheat which conforms to the definition and standard of identity of flour: white flour, wheat flour and plain flour as promulgated by the federal security agency (Federal Register Vol. 6, pp. 2574-82, May 27, 1941) but exclude whole wheat flour made only from the whole wheat berry with no part thereof removed, and also excludes special packaged flours not used for bread baking, such as cake, pancake, cracker, and pastry flours.

(b) The term "bread" shall include all yeast-raised commercial bakery products, made wholly or partly from wheat flour, but excludes products containing no wheat flour, or products made from 100% whole wheat flour, and also excludes all biscuits and crackers.

(c) The term "enrichment" as applied to flour or bread means the addition thereto of vitamins and other ingredients of the nature required by this act, and the term "enriched flour" as defined by the food and drug administration of the Federal Security Agency (Federal Register Vol. 6, pp. 2579-81, May 27, 1941, and Vol. 8, p. 7514, June 5, 1943) and "enriched bread" (Federal Register Vol. 6, p. 2772, June 7, 1941 and Vol. 8, p. 10785 August 3, 1943) means flour or bread which has been enriched to conform with the requirements of this act.

(d) The term "person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any unincorporated organization.

(e) The term "appropriate federal agency" means the Federal Security Agency, or any agency or department or administrative



federal officer charged with the enforcement and administration of the federal food, drug and cosmetic act. (7129-21 Miss. Code 1944 Supplement).

### **Flour Vitamins and Other Ingredients Required.**

Sec. 3. On and after September 1, 1944 it shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this state, any flour (as above defined) unless the following vitamins and other ingredients are contained in each pound of such flour.

(a) Not less than 2.0 milligrams of vitamin B-1 (thiamin) not less than 1.2 milligrams of riboflavin; not less than 16 milligrams of niacin (nicotine acid) or nicotine acid amide; and not less than 13 milligrams of iron (Fe). The enrichment of self-rising flour shall require, in addition to the above ingredients, not less than 500 milligrams of calcium. These ingredients and amounts are in accordance with the definition of enriched flour as promulgated by the Federal Security Agency. (Federal Register, Vol. 8, p. 7514, June 5, 1943).

(b) The enrichment of flour shall be accomplished by a milling process, addition of vitamins from natural or synthetic sources, addition of minerals, or by a combination of these methods, or by any method which is permitted by the Federal Security Agency with respect to flour introduced into interstate commerce.

(c) The state health officer is empowered with the authority and directed to change, or add to, the specifications for ingredients and the amounts thereof required to conform to federal definition of enriched flour when promulgated or as may be from time to time amended.

(d) Iron shall be added only in forms which are assimilable and harmless and which do not impair the enriched flour.

(e) The terms of this act shall not apply to flour sold to bakers who elect to enrich their products by other means than by the use of enriched flour as provided in section 4.

(f) The terms of this act shall not apply to flour or bread which is made from the entire wheat berry with no parts of the wheat removed from the mixture. In cases of flour or bread containing mixtures of the whole wheat berry and white flour or mixture of various portions of the wheat berry such products shall have a vitamin and

mineral potency at least equal to enriched flour or enriched bread as described herein.

(g) The terms of this act shall not apply to flour ground for the wheat producer whereby the miller is paid in wheat or feed for the grinding service rendered, except insofar as such a mill may manufacture toll wheat into flour and sell or offer for sale such flour, whereupon the act shall be applicable; nor shall the provisions of this act apply to farmers in exchanging their wheat for flour, or having the same ground into flour and disposing of the same for their own use or the use of farm labor on their farms. (7129-22 Miss. Code 1944 Supplement).

### **Bread—Vitamins and Other Ingredients Required**

Sec. 4. On and after September 1, 1944 it shall be unlawful for any person to manufacture, bake, sell, or offer for sale, or to receive in interstate shipment for sale for human consumption in this state, any bread (as above defined) unless the following vitamins and other ingredients are contained in each pound of such bread.

(a) Not less than 1.1 milligram of Vitamin B-1 (thiamin); not less than 0.7 milligrams of riboflavin; not less than 10.0 milligrams of niacin (nicotinic acid) or nicotine acid amide (niacin amide); and not less than 10.0 milligrams of iron (Fe). These ingredients and amounts are in accordance with the definition of enriched bread as promulgated by the Federal Security Agency (Federal Register, Vol. 8, p. 10785, Aug. 3, 1943). (7129-23 Miss. Code 1944 Supplement).

### **Same—Manner of Enrichment**

Sec. 5. (a) The enrichment of bread may be accomplished through the use of enriched flour, enriched yeast, other enriched ingredients, synthetic vitamins, harmless iron salts, or by any combination of harmless methods which will produce enriched bread which meets with the requirements of section 3. (7129-24 Miss. Code 1944 Supplement).

### **Labeling**

Sec. 6. It shall be unlawful to sell or offer for sale in this state any enriched flour or enriched bread which fails to conform to the labeling of the federal food, drug and cosmetic act, and the regulations promulgated thereunder by the appropriate agency, with respect to flour or bread introduced into interstate commerce. (7129-25 Miss. Code 1944 Supplement).

**Enforcement by State Board of Health—Powers and Duties**

Sec. 7. (a) The State Board of Health is authorized as the administrative agency and is hereby directed:

(1) To make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act, including, but without being limited to, such orders, rules, and regulations as he is hereinafter specifically authorized and directed to make.

(2) From time to time to adopt such regulations changing or adding to the required ingredients for flour or bread specified in sections 2 and 3 as shall be necessary to conform to the definitions and standards of identity on enriched flour and enriched bread from time to time promulgated by the appropriate federal agency pursuant to the federal food, drug and cosmetic act.

(b) In the event of the finding by the state health officer that there is an existing shortage or imminent shortage of any ingredient required by section 2 and section 3 of this act, with the result that the sale and distribution of flour or bread may be substantially impeded by the enforcement of this act, the state health officer shall issue an order to be effective immediately upon issuance, permitting the omission of such ingredients from flour and bread. Whenever the state health officer finds that such shortage no longer exists, he shall issue an order, to be effective not less than ten days after publication thereof, revoking such order.

(c) All orders, rules, and regulations adopted by the State Board of Health pursuant to this act shall be published in the manner hereinafter prescribed, and within the limits specified by this act, shall become effective upon such date as the state health officer shall fix.

(d) Whenever under this act publication of any notice, order, rule or regulation is required, such publication shall be made at least three times in ten days in newspapers of general circulation in three different sections of the state.

(e) The state health officer is authorized to collect samples for analyses and to conduct examinations and investigations for the purposes of this act, through any officers or employees under his supervision; and all such officers and employees shall have authority to enter and inspect any factory, mill, warehouse, shop, or establishment where flour or bread is manufactured, processed, packed, sold, or held, or any vehicle and any flour or bread therein, and all pertinent equip-



ment, materials, containers and labeling. (7129-26 Miss. Code 1944 Supplement).

### **Penalty for Violation**

Sec. 8. Any person who violates any of the provisions of this act, or the orders, rules or regulations promulgated by the state health officer under authority thereof, shall, upon conviction thereof, be subject for fine for each and every offense, in a sum not exceeding five hundred dollars (\$500.00) or to imprisonment for not more than six (6) months or both such fine and imprisonment. (7129-27 Miss. Code 1944 Supplement).

## **CHAPTER 273, LAWS 1944**

### **Enrichment of Oleomargarine—Preamble and Title of Act**

Whereas, oleomargarine, both plain and enriched, is widely used as an edible fat and as a substitute for butter which always contains at least some vitamin A even during the winter season, and unenriched oleomargarine, although a wholesome food, does not contain vitamin A, it is, therefore, necessary and advisable to protect the health of the people of the State of Mississippi from a deficiency of this vitamin by providing for the addition of vitamin A to oleomargarine in amounts which will make its vitamin A potency equal to that of good butter.

Section 1. Now, Therefore: Be it enacted by the Legislature of the State of Mississippi, That this act may be cited as the "Oleomargarine Enrichment Act." (7129-40 Miss. Code 1944 Supplement).

### **Vitamin A—Unlawful to Sell Oleomargarine Without**

Sec. 2. That on and after September 1, 1944 it shall be unlawful for any manufacturer, processor or dealer in oleomargarine in the State of Mississippi to sell or offer for sale any such products within this state which does not contain at least 9000 United States pharmacopoeia units of vitamin A per pound, except that sold for use as an ingredient in the processing of another product. (7129-41 Miss. Code 1944 Supplement).

### **Specifications for Ingredients—Changes and Additions**

Sec. 3. The State Board of Health is authorized as the administrative agency and is hereby authorized and directed to change, or add to, the specifications for ingredients and the amounts thereof required to conform to any changes in the ruling of the Federal

Security Agency concerning the addition of vitamins to oleomargarine, established in the Federal Register Vol. 6, pp. 2761-63, June 7, 1941, or as may be from time to time amended. (7129-42 Miss. Code 1944 Supplement).

### **Enforcement by State Health Officer**

Sec. 4. The state health officer is empowered and directed to enforce this act through his officers or agents and to enter upon the premises of any manufacturer, processor or refiner, or upon the premises of any person engaged as a retail or wholesale dealer in oleomargarine, for the purpose of collecting samples for analyses or making such investigations as may be necessary to properly enforce the same. Any person found by a court of competent jurisdiction to be guilty of violating the terms of this act shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months for each and every offense. (7129-43 Miss. Code 1944 Supplement).

### **Shortage of Ingredients—Procedure When**

Sec. 5. In the event of the finding by the state health officer that there is an existing shortage or imminent shortage of any ingredient required by section 2 of this act, with the result that the sale and distribution of oleomargarine may be substantially impeded by the enforcement of this act, the state health officer shall issue an order to be effective immediately upon issuance, permitting the omission of such ingredients from oleomargarine. Whenever the state health officer finds that such shortage no longer exists, he shall issue an order, to be effective not less than ten day after publication thereof, revoking such order. (7129-44 Miss. Code 1944 Supplement).

### **Labeling Requirements as To**

Sec. 6. All oleomargarine sold in the State of Mississippi must be labeled in accordance with the regulations of the Federal Security agency governing the labeling of oleomargarine with added vitamin A sold in interstate trade. (7129-45 Miss. Code 1944 Supplement).

### **Severability**

Sec. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. (7129-46 Miss. Code 1944 Supplement).

**FULL-TIME COUNTY HEALTH OFFICERS****CHAPTER 208, LAWS 1920****Qualifications of Officer—Supervisors to Provide His Quarters.**

It shall not be necessary that any health officer selected hereunder shall be a resident of the county or district for which he is selected. Suitable quarters must be provided by the board of supervisors of the district or county for the office and health work of the county or district, and the health officer appointed hereunder shall establish himself in the quarters so provided. (7087 Miss. Code 1942).

**Health Officer to Keep Record—Reports to State Board**

The health officer of any county or district shall keep an accurate record of all activities of the department of health of the county or district which he serves for use of the public and for information to the Board of Health, and such reports as required by the Board of Health shall be made to it, and all officers and employees hereunder shall be subject to the jurisdiction and regulations of the State Board of Health or its executive committee. (7086 Miss. Code 1942).

**Health Officer—Powers and Duties**

The health officer so appointed shall be given authority to enforce all health laws of the district or county under the supervision and direction of the State Board of Health, or its executive committee, and to make such investigation of health problems and recommend and institute such measures as may be necessary, but shall be under the supervision, direction and jurisdiction of the State Board of Health, or its executive committee, and shall make report to said Board of Health of all matters concerning the sanitary conditions of his district or county in the manner prescribed by the State Board of Health, or its executive committee. (7083 Miss. Code 1942).

**Terms of Officers—State Board May Remove**

The term for which any officer appointed hereunder shall serve shall not exceed four years, but the State Board of Health or its executive committee shall remove any officer appointed hereunder at any time for such conduct as it may deem improper, or for neglect of duty, or for incompetency, or for any offense which in their judgment, is detrimental to the public welfare, and may summarily suspend any officer appointed hereunder until any complaint made of such officer may be fully investigated by the State Board of Health or its executive committee. (7084 Miss. Code 1942).



## **PART-TIME COUNTY HEALTH OFFICERS**

### **County Health Officer—Appointment**

A competent physician shall be appointed county health officer for and from each county by the State Board of Health, whose term of office shall be for two years, and said board shall cause the appointment to be certified by its secretary to the board of supervisors of the county for which the appointment was made. (7033 Miss. Code 1942).

### **Power to Fill Vacancies**

The State Board of Health at any meeting may fill any vacancy which has occurred in any office filled by them under this chapter, and where a vacancy occurs they shall certify such fact to the board of supervisors of the proper county and shall certify the appointment of the successor. (7032 Miss. Code 1942).

### **Compensation for County Health Officer**

The county health officer shall receive for his services an annual salary, to be fixed in advance by the board of supervisors, which may be payable monthly out of the county treasury. (7051 Miss. Code 1942).

## **CHAPTER 108, LAWS 1900**

### **Compulsory Vaccination, How Made**

The board of supervisors in the counties in which smallpox exists are hereby empowered to pass ordinances for providing for compulsory vaccination, to enforce same as hereinafter provided. The president or clerk of the board of supervisors shall make application to the secretary of the State Board of Health for a sufficient quantity of bovine virus to do the necessary vaccinating, and if the State Board of Health be unable to furnish same, the county health officer may get it elsewhere, and the cost of said virus shall be borne by the county so ordering. The board of supervisors shall make contracts with any reputable physician or physicians to do the vaccinating and pay for the same. (7034 Miss. Code 1942).

## **CHAPTER 123, LAWS 1900**

### **Board of Supervisors to Pay for Disinfecting**

When a person or persons suffering with smallpox, yellow fever, or any other infectious or contagious disease, is isolated by the county health officer of any county in the state, under the rules and

regulations of the State Board of Health, the board of supervisors of such county shall pay the expenses incurred by such isolation and also the expenses of disinfecting any infected premises when certified to by said county health officer. The board of supervisors is authorized, in its discretion, to pay for medicine and drugs which may be necessary for the suppression of said diseases, and for the necessary service of physicians for the suppression of the same. (7035 Miss. Code 1942).

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#### **Board of Supervisors May Appropriate Money for Screening Cisterns**

The board of supervisors may, in its discretion, make necessary appropriations for screening cisterns and other water containers and fumigating and disinfecting houses where yellow fever existed or to prevent the introduction of yellow fever by distributing coal oil where stagnant water may be found. Such appropriation is not to be made unless in the opinion of the county health officer such screening and fumigating or oiling is necessary. (7058 Miss. Code 1942).

### **CHAPTER 203, LAWS 1918**

#### **Contagious Diseases—Municipalities and Counties May Appropriate Funds for Suppression**

The board of supervisors and all municipalities be and they are hereby authorized and empowered, in their discretion, to appropriate money to be used in the control, eradication and suppression of contagious or infectious diseases and in the promotion of betterment of public health. The expenditure of money so appropriated shall be subject to the approval of the board of supervisors or municipality making the appropriation. (7088 Miss. Code 1942).

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#### **Health Officer May Go on Premises**

It shall be lawful for such health officer to enter the premises of any such place for the purpose of fumigating and disinfecting or oiling, and any person who shall refuse to allow such health officer to enter such place for the purpose of fumigating or oiling shall be guilty of a misdemeanor. (7059 Miss. Code 1942).

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### **CHAPTER 39, LAWS 1894**

#### **Board of Supervisors to Pay For Disinfecting—Duties of**

It is the duty of the county health officer to enforce the rules and regulations of the State Board of Health in the prevention and spread of all contagious, infectious or epidemic diseases in his coun-

ty, to investigate and examine into the causes thereof, and to recommend rules and regulations to remedy the same. Upon instruction from the board of supervisors to investigate and examine into the sanitary condition of any school, prison, market-house, butcher-stall, building, or place of public resort, and its surroundings, and suggest and recommend suitable sanitary measures for the same; to report his actions and all information and results of his investigations to the board of supervisors and State Board of Health, and to do such other things as the State Board of Health may lawfully require of him. (7036 Miss. Code 1942).

## CHAPTER 231, LAWS 1940

### **Writ of Lunatico Inquirendo**

Section 4576. The chancery courts have jurisdiction of writs of lunacy, to be exercised by the clerks at any time, subject to the approval of the court. Any relative of a lunatic or insane person may procure him to be so adjudged; but if the relatives and friends of any lunatic or insane person shall neglect or refuse to place him in an insane hospital, and shall permit him to go at large, the clerk of the chancery court shall, on the application, in writing and under oath, of any citizen, direct the county health officer to forthwith examine the alleged lunatic and file with the clerk of the chancery court his certificate certifying whether or not, in his opinion, the alleged lunatic should be so adjudged and committed to an insane asylum. The county health officer shall promptly make the examination and file with the said clerk his certificate as herein required. Upon the filing of such certificate by the county health officer, if it shall appear therefrom that the alleged lunatic should be so adjudged and committed to an insane hospital, then the clerk of the chancery court shall forthwith direct the sheriff, by writ of lunacy, to summon the alleged lunatic or insane person to contest the application, and three freeholders to make inquiry thereof, on oath, and the result of the inquisition to return to the clerk. The jury shall be impaneled in the presence of the clerk, and shall be charged by him to make due inquest as to the particulars indicated in the two following sections.

In the absence or inability of the county health officer to perform the duties herein prescribed, the chancery clerk shall select a competent licensed and practicing physician, who shall perform the duties of the county health officer set forth in this act, and for so doing he shall be allowed the fee herein provided. Provided further, however,



that any county health officer, or any physician who issues any such certificate in good faith, shall not be civilly liable in any court.

The county health officer shall be allowed a fee of three dollars (\$3.00), upon presentation of his statement to the board of supervisors for each examination made by him of any person alleged to be a lunatic in addition to any other compensation he may be entitled to. Provided, no compensation shall be paid any county health officer for such services in counties maintaining a full time health unit. (6909 Miss. Code 1942).

## **HEALTH WORK IN SCHOOLS**

### **CHAPTER 278, LAWS 1930**

#### **Health Work**

The State Board of Education shall make adequate provision for instruction in general hygiene, individual hygiene, group and inter-group hygiene; provisions for a regular periodic and thorough health examination and inspection and for such reasonable correlation as may be necessary for the betterment of health and treatment of abnormalities through available agencies inside or outside the school system; and provision for education and the health training through physical exercises, games, play, recreation and athletics. But this article, in so far as it provides for medical treatment, shall not be construed to interfere with the practice of religious tenets of any church whatsoever, nor compel submission of any child to medical or surgical treatment without the consent of the parents or guardian of such child. (6667 Miss. Code 1942).

## **FACTORY INSPECTOR**

### **CHAPTER 163, LAWS 1914**

#### **Factory Inspector—Board of Health to Appoint—Qualifications and Bond of**

The State Board of Health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector and who shall be a person having competent knowledge of factories and capable of performing the duties prescribed below. Such inspector shall execute bond in the penalty of three thousand dollars, payable to the state, for the faithful performance of his or her duties. (6977 Miss. Code 1942).

**Duties of Inspector—to Report Violations of Law as to Employment of Women and Children**

It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are employed, at least three times each year. Such inspector shall collect evidence of violations of the laws of the state relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occurred. Such inspector shall report annually, under the direction of the secretary of the State Board of Health, the number of women and children employed in the different cotton and knitting mills, other factories and canneries in the state, and the number of violations found and disposition of each. (6978 Miss. Code 1942).

**To Make Annual Reports—Details of Same**

Said inspector shall report in detail annually to the secretary of State Board of Health the number of industrial establishments in this state which it is made his duty to inspect, the number of employees, the number of inspections made, the number of violations found, and the disposition of each, and such other information as may be deemed valuable and necessary, and shall enforce the laws of the state in factories and other establishments where women and children are employed. (6979 Miss. Code 1942).

**Penalty for Failing to Aid Inspector in Discharge of His Duties, or Preventing Same**

Any officer, manager, or other agent of any factory, or cannery subject to the provisions of this chapter who shall fail or refuse to give true and correct information demanded of him by the state factory inspector, or who shall attempt to prevent the factory inspector from entering such establishment in the regular performance of the duties of such inspector, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than one hundred dollars. (6980 Miss. Code 1942).

**Inspector to Register Factories Employing Five or More Persons and Report Same**

It shall be the duty of the state factory inspector to register each year each manufacturing establishment in the state employing more than five persons, and to collect the registration or license fee herein required, and to report by the fifth day of each month to the State Board of Health all such registrations and the fees collected therefor during the month previous, and to turn into the treasury of

the State Board of Health at such times as such report is made all mon-  
neys collected by such inspector for registration of factories during  
such time. (6981 Miss. Code 1942).

## CHAPTER 292, LAWS 1934

### Factories Registered—Fees

Every person, firm or corporation employing five or more persons  
in the conduct of any mill, factory, manufacturing establishment or  
cannery within this state where women or children are employed,  
shall register such establishment with the state factory inspector  
each year and pay an annual fee for such registration according to  
the following schedule:

Those employing	5 to 10 persons.....	\$ 10.00
Those employing	11 to 25 persons.....	20.00
Those employing	26 to 50 persons.....	40.00
Those employing	51 to 100 persons.....	60.00
Those employing	101 to 200 persons.....	100.00
Those employing	201 to 300 persons.....	150.00
Those employing	over 300 persons.....	200.00

Persons, firms or corporations engaged in any business subject to  
the provisions of this chapter where the number of employees varies  
from time to time, shall report on or before the fifth day of each  
month, and shall pay the annual fee on the basis provided in this  
section, on the average number of persons employed in the said  
business the preceding month, during the regular or busy season of  
their work. (6982 Miss. Code 1942).

## CHAPTER 189, LAWS 1926

### License Year to Begin July 1—Report to Factory Inspector

The license year shall begin July first, each year, and end June  
thirtieth the following year, and within thirty days after the begin-  
ning of a license year the state factory inspector shall submit to  
each person, firm or corporation, subject to the provisions of this  
section, a blank upon which such person, firm or corporation shall  
report to the state factory inspector the following information and  
such other facts as may be required by the state factory inspector.

1. Officers
2. Character and location of business
3. Number of persons employed, male and female, and children
4. Number of work hours per week
5. Description of buildings and equipment, number of floors,  
elevators, boilers and fire escape. (6983 Miss. Code 1942).



**Penalty Refusing to Comply**

Any person, firm or corporation failing or refusing to comply with any of the provisions of the preceding sections of this chapter by October first each year, or within sixty days after having been notified to do so by the state factory inspector, or the secretary of the State Board of Health, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of twenty-five dollars. (6984 Miss. Code 1942).

**CHAPTER 314, LAWS 1924****Children Under Fourteen Not to Work in Mills or Factories**

No boy or girl under the age of fourteen years shall be employed or permitted to work in any mill, cannery, workshop, factory or manufacturing establishment within this state. (6985 Miss. Code 1942).

**CHAPTER 46, LAWS 1930****Child Labor—Unlawful to Employ, When**

It shall be unlawful for any person, firm or corporation to employ, or detain, or permit to work, in any mill, cannery, workshop, factory or manufacturing establishment in this state, any child under the age of fourteen years, or any child over the age of fourteen years and under the age of sixteen years, unless such child has complied with, or is complying with the compulsory school attendance law, and such employer shall require such child to present the affidavit of the parent or guardian, or person standing in parental relation to such child, and the certificate of the superintendent or principal of the school of the district in which such child or children reside or in which they last attended school, stating the place and date of the birth of such child, and also stating the last school attendance of such child, the grade of study pursued, and the name of the school and the name of the teacher in charge. The employer shall preserve such affidavit and keep a complete register of all such affidavits, showing all the facts contained herein. (6987 Miss. Code 1942).

**CHAPTER 314, LAWS 1924****Sheriff to See That Law is Observed**

It shall be the special duty of the sheriff of the county in which the mill, cannery, workshop, factory or manufacturing establishment, employing child labor are located, to visit, at least once each month, such mill, cannery, workshop, factory or manufacturing es-

tablishment, to see to the enforcement of this chapter. (6988 Miss. Code 1942).

### **County Health Officer to Inspect**

It shall be the duty of the county health officer to visit, without notice of his intention to do so, all mills, canneries, workshops, factories or manufacturing establishments employing child labor within his county at least twice each year or oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children affected with infectious, contagious or communicable diseases, or whose physical condition renders such child or children incapacitated to perform the work required of them, and the sheriff shall promptly remove such child or children from such mill, cannery, workshop, factory or manufacturing establishment, and order the premises put in sanitary condition, and the judgment of the county health officer as to the physical condition of the children, and the sanitary condition of the premises shall be final and conclusive. (6989 Miss. Code 1942).

### **Misdemeanor to Fail or Refuse to Obey Order of Officer**

Any officer, manager, or superintendent of any mill, cannery, workshop, factory or manufacturing establishment in which child labor is employed who shall fail or refuse to give true and correct information demanded of him by any officer hereinbefore directed to inspect such mill, cannery, workshop, factory or manufacturing establishment, or who shall fail or refuse to obey any lawful order of the sheriff or health officer of the county in which said mill, cannery, workshop, factory or manufacturing establishment is located, for carrying out the purpose of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars. (6990 Miss. Code 1942).

### **Misdemeanor to Violate Provisions**

Any person, firm or corporation, or the superintendent, or any officer of the mill, cannery, workshop, factory or manufacturing establishment employing any child, or permitting any child to be employed by or to work in, or to be detained in any mill, cannery, workshop, factory, or manufacturing establishment in this state contrary to law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, or may be sentenced to the county jail for not less than ten days nor more than sixty days, or both such fine and imprisonment. (6991 Miss. Code 1942).

**Not to Apply to Certain Canneries**

The provisions of the seven preceding sections of this chapter shall not apply to fruit or vegetable canneries. (6992 Miss. Code 1942).

**CHAPTER 165, LAWS 1914****Woman or Girl Not to Work Over Ten Hours a Day Except in Case of Emergency**

It shall be unlawful for any person, firm or corporation to work any female in any laundry, millinery, dress-making store, office, mercantile establishment, theater, telegraph or telephone office or any other occupation not here enumerated, more than ten hours per day or more than sixty hours per week except in case of emergency or where public necessity requires it. But this section shall not apply to domestic servants. (6993 Miss. Code 1942).

**CHAPTER 241, LAWS 1916****Pay of Employees Twice a Month**

Every corporation, company, association, partnership, and individual person engaged in manufacturing of any kind in this state, employing as many as fifty or more employees, and employing public labor, and every public service corporation doing business in this state, shall be required to make full payment to employees for services performed as often as once every two weeks or twice during each calendar month, or on the second and fourth Saturday, respectively, of each month, and such payment or settlement shall include all amounts due for labor or services performed up to not more than ten days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment. (6994 Miss. Code 1942).

**CHAPTER 167, LAWS 1914****Penalty for Violation of This Chapter**

Any corporation or person, or manager of any company or partnership who violates any of the provisions of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars for each offense, and each day's violation shall constitute a separate offense. (6995 Miss. Code 1942).



## CHAPTER 138, LAWS 1914

**Trade Checks—Discounting of Same by Employers Prohibited—  
Penalty**

Every person, company, association, partnership, manufacturing company or railroad company now existing or hereafter organized in this state, engaged in employing labor for manufacturing purposes, or any railroad within this state shall be prohibited from discounting any trade check, coupons or other written instrument issued for the payment of such labor; and it shall be unlawful for any person, partnership, corporation or trade establishment purchasing said trade checks, coupons or other instruments, issued, for the payment of such labor to discount the same, and any person, partnership, corporation, trade establishment purchasing the same at a discount, or any company, corporation, railroad, or other person issuing said checks, coupons, or other written instruments, and who shall discount the same in settlement with the employees shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, and not more than fifty dollars for each offense. (6996 Miss. Code 1942).

**Trade Checks Must be Paid in Cash, or Twenty-Five Per Cent  
Damages Allowed**

All persons, firms, corporations engaged in manufacturing, issuing trade checks, coupons or other instruments of writing in payment for labor, shall on or after the regular pay day cash said check, or checks, so issued at their face value less any amount that may be due by the party to whom issued, and any such person, firm, corporation so engaged in manufacturing, failing to settle such claim as herein required, shall be liable to pay to the holder thereof twenty-five per cent on the face of said check as damages in the event any suit or action shall be brought to enforce the payment thereof, provided, that this section shall only apply when the amount claimed is one hundred dollars or less. (6997 Miss. Code 1942).

## CHAPTER 295, LAWS 1934

**Steam Boiler Inspection**

Every person, firm, association, corporation, trustees or persons in authority, using and operating steam boilers in factories, shops, stores, office buildings, hotels, schools, hospitals and other places frequented by people, or where people are employed, shall at least once during every year have the steam boilers and appurtenances being operated, inspected in the manner hereinafter provided, and

furnish to the city building inspector, in cities having a building inspector, a certificate of said inspection duly executed by the person herein authorized to make said inspection, and in case there be no city building inspector, said certificate shall be furnished to the state factory inspector. The said building inspector, and/or the said factory inspector, shall file and preserve said reports, and said reports shall be public records.

Any boiler-maker who has had five years' training and/or experience, and any engineer duly employed and licensed to do boiler inspection work for any boiler insurance company authorized to do business in the State of Mississippi, may, and is hereby authorized and empowered to execute said certificate of inspection required in Section 1 (first paragraph hereof) of this act. In no event, however, shall an inspection fee in excess of the established rate of pay of boiler inspectors be charged for said inspection services.

It shall be the duty of the state factory inspector to require boiler inspection reports from every person, firm, association, or corporation, subject to the provisions of Chapter 110 of the laws of the State of Mississippi of 1930 (this chapter), \*as herein provided, and any person, firm, association or corporation failing or refusing to comply with the provisions of this act, shall be punished in the manner provided for the failure to comply with Chapter 110, Laws of 1930 (this chapter).\*

Any person falsely or fraudulently executing said certificate of inspection, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than twenty-five (\$25.00) dollars. (6998 Miss. Code 1942).

\*Editor's Note: The session law referred to is irrelevant and it is apparent that chapter 110 of the Code of 1930 was intended.

## CHAPTER 249, LAWS 1940

### **To Give Opinions in Writing—Attorney General**

The attorney-general shall give his opinion in writing, without fee, to the legislature, or either house thereof, or any committee thereof, and to the governor, the secretary of state, the auditor of public accounts, the state treasurer, the superintendent of education, the insurance commissioner, the commissioner of agriculture, the state land commissioner, the state geologist, the state factory inspector, the state librarian, the director of archives and history, the

adjutant general, the state board of health, the superintendent of the state penitentiary, the trustees of the state penitentiary, the public service commission, chairman of the state tax commission, the state forestry commission, the agricultural service bureau, the commission for the blind, the rehabilitation commission, the highway commission, and any other state officer, department or commission operated under the law, or which may be hereafter created; the trustees and heads of any state institution, the trustees and heads of the university and state colleges, the district attorneys, the boards of supervisors of the several counties, the sheriffs, the chancery clerks, the circuit clerks, the superintendents of education, the tax assessors, county surveyors, the county attorneys, the attorneys for the boards of supervisors, mayor or council, or board of aldermen of any municipality of this state, and all other county officers (and no others) when requested in writing, upon any question of law relating to their respective offices.

When any officer, board, commission, department or person, authorized by this section to require such written opinion of the attorney general, shall have done so and shall have stated all the facts to govern such opinion, and the attorney general has prepared and delivered a legal opinion with reference thereto, there shall be no liability, civil or criminal, accruing to or against any such officer, board, commission, department or person, who, in good faith, follows the direction of such opinion and acts in accordance therewith, unless a court of competent jurisdiction, after a full hearing, shall judicially declare that such opinion is manifestly wrong and without any substantial support. Provided, no opinion shall be given or considered if said opinion is given after suit is filed or prosecution begun. (3834 Miss. Code 1942).

## CHAPTER 251, LAWS 1940

### **County Taxes—When and How Levied**

The board of supervisors of each county shall, at its regular meeting in October of each year, levy the county ad valorem taxes for the fiscal year, and shall, by order, fix the tax rate or levy, for the county, for the road districts, if any, and for the school districts, if any, and for any other taxing districts; and the rates, or levies, for the county and for any district shall be expressed in mills or a decimal fraction of a mill; which tax rates, or levies shall determine the ad valorem taxes to be collected upon each dollar of valuation, upon the assessment rolls of the county, for county taxes; and upon each



dollar of valuation for the respective districts, as shown upon the assessment rolls of the county; except as to such values as may be exempt, in whole or in part, from certain tax rates or levies. If the board of supervisors of any county shall not levy the county taxes and the district taxes at its regular October meeting the board may levy the same at any other regular, adjourned, or special meeting.

In making the levy of taxes, the board of supervisors shall specify, in its order, the levy for each purpose, as follows:

1. For general county purposes (current expense and maintenance taxes), as fixed and limited by section 2, chapter 104, laws of 1932.

2. For roads and bridges, as fixed and limited by section 3, chapter 104, laws of 1932.

3. For schools, including the county-wide levy and the levy for each school district, other than municipal separate school districts, and for an agricultural high school, county high school or junior college, (current expense and maintenance taxes), as fixed and limited by section 4, chapter 104, laws of 1932, or any amendments thereto. The levy for schools shall apply to the assessed value of the property in the respective school districts (other than municipal separate school districts), and a distinct and separate levy shall be made for each school district, and the purposes for each levy shall be stated.

4. For road bonds and the interest thereon, separately for county-wide bonds and for the bonds of each road district.

5. For school bonds and the interest thereon, separately for county-wide bonds and for the bonds of each school district.

6. For county-wide bonds and the interest thereon, other than for road bonds and school bonds.

7. For loans, notes or any other obligation, and the interest thereon, if permitted by the law.

8. For any other purpose for which a levy is lawfully made.

The order shall state all of the purposes for which the general county levy is made, using administrative items suggested by the state auditing department of Mississippi under the county budget law in its uniform system of accounts for counties, but the rate or levy for any item or purpose need not be shown; and if a county-wide levy is made for any general or special purpose under the pro-

visions of any law other than section 2, chapter 104, laws of 1932, each such levy shall be separately stated. (9889 Miss. Code 1942).

#### CHAPTER 363, LAWS 1946

##### **Commission on Hospital Care—Duties and Terms**

Section 1. There is hereby created the Mississippi Commission on Hospital Care, hereinafter referred to as the commission, and which shall be composed of six members to be appointed by the governor. Each of said members shall be a qualified elector of the State of Mississippi, and one shall be appointed from each supreme court district thereof, and three from the state at large. The term of office of such commissioners shall be six (6) years, beginning April 1, 1946; however, of the first commissioners appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years; thereafter all members of the commission shall be appointed for a term of six (6) years, and all vacancies on said commission shall be filled by appointment by the governor for the unexpired term. The executive director of the State Board of Health shall be an ex-officio member of the commission. As soon as practicable after their appointment, the commissioners shall meet and organize by electing from their membership a chairman, vice-chairman and secretary. Four members of the commission shall constitute a quorum for the transaction of business, and the commission shall meet at such time and place as may be fixed by it, and special meetings may be held on call of the chairman, vice-chairman, or three members of the commission.

The commissioners shall each receive the sum of seven and 50/100 dollars (\$7.50) expenses for each day spent in the performance of their duties, and in addition, the sum of five cents (5c) per mile for each mile traveled in their personal car, or actual cost if public conveyance is used, for travel in the performance of their official duties.

Sec. 2. The commission shall adopt rules for the transaction of its business and keep permanent and complete records and minutes of its proceedings, meetings, hearings, resolutions, orders and decisions, which records shall be public. The commission shall have the power to appoint and fix the compensation of an executive director, whose compensation shall not exceed five thousand dollars (\$5,000.00) per year. The commission shall also have the power to employ such

other employees as may be necessary to carry out the purposes of this act, and to fix the compensation thereof and prescribe their powers and duties. The commission is empowered to rent office space, purchase necessary office equipment and supplies, and pay other expenses incident to the operation of its office. All such expenses, and the salaries of all employees, shall be paid from any appropriation made for the purposes hereof.

Sec. 3. The commission is hereby designated as the agency of the State of Mississippi to set up and administer any state-wide plan for the construction, equipping and maintenance of hospitals, nurses homes, health centers, clinics and related facilities, which is now or may be hereafter required to comply with any federal law, and to receive and administer any funds that may be provided by an act of Congress for such purposes. The said commission is authorized and empowered to receive and administer any funds which may be appropriated by any act of Congress for the construction and equipping of hospitals, nurses homes, health centers, clinics and related facilities, and to receive and administer any funds which may be available for such purposes from any other sources, public or private, and to do any and all things that may be necessary in order to enable the State of Mississippi to receive the full benefits of any federal laws which are now or may be enacted for the construction, equipping and maintenance of hospitals, nurses homes, health centers, clinics and related facilities. It is the express purpose hereof to authorize the commission, in addition to the other powers herein conferred, (1) to designate a state advisory council which shall include representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the commission in carrying out the purposes of this act; (2) to require compliance with minimum standards of maintenance and operation by hospitals receiving federal or state aid hereunder; and (3) to comply with or do any and all other acts or things necessary or required to be done as a condition to receiving federal aid or grants in the establishing, construction, maintenance and operation for all people of the state adequate hospital, clinic, and similar services.

Sec. 4. It shall be the duty of the commission to prepare a state-wide hospital plan and to conduct all necessary studies and surveys incident to developing such a state-wide hospital plan. The state-



wide hospital plan shall have as its long-time objective the establishing of a sufficient number of hospital and clinic facilities in the state to serve the needs of the state and to make the facilities reasonably accessible to the entire population of the state. The commission shall make studies to determine whether there is a need for and endeavor to establish, or approve, at least three hospitals in the state of such size and so staffed and equipped as to qualify for internships and residences for medical students who have completed their four-year medical course in some recognized and accepted medical college or school in the United States, such hospitals in so far as is practical for the purpose of carrying into effect the provisions of the act and from an economic standpoint, to be located centrally in north, central and south Mississippi, respectively. The commission is empowered to work with state, federal, county, municipal, or private agencies in conducting surveys and in preparing the proposed state hospital plan. The commission shall report its findings and recommendations to the legislature at each regular session thereof.

Sec. 5. It shall be the duty of the commission to utilize funds made available for such purpose by the state to make grants-of-aid as herein provided, to properly constituted local authorities, to acquire real estate and to construct thereon hospitals, nurses homes, health centers, clinics, and related facilities throughout the state, including the reconstruction, remodeling, or addition to of any hospital facility which has been or may be acquired by such local authorities for use as a community hospital, each such structure to be an integral part of the state hospital plan. Such local funds, supplemented by the grants-of-aid from the state, may be further supplemented by federal funds, if available. It shall be the further duty of the commission to enter into contracts with the local hospitals or hospital groups, or representatives thereof, to carry out the purposes of this act, so as to insure that such hospitals will be located, designed, constructed and operated in such a manner that the services thereof will be available to the people of Mississippi at the lowest possible cost.

The grant of state funds which the commission is authorized to make under the provisions of this act shall not exceed sixty per centum (60%) of the cost of acquiring real estate for and constructing, reconstructing or remodeling, erecting and equipping any hospital, nurses home, health center, clinic or related facility to which such a grant is made; provided, however, that in computing such costs there shall be excluded such portion thereof, if any, which is to be

paid from any amounts made available from federal funds. All state grants shall be paid from any appropriation made for that purpose.

Any hospital or related facility desiring a grant under the provisions of this act, including any county, city or town, or supervisors districts, or portion of a supervisor's district lying within one court district in counties having two court districts, separately or jointly with one or more of the other counties, cities, towns or supervisors districts, including those complying with chapter 277, laws of 1944, and amendments thereto, desiring to erect, build, construct, reconstruct, remodel, add to, acquire, maintain or operate a hospital, nurses home, health center, clinic or related facility, may make application to the Mississippi Commission on Hospital Care for a grant-of-aid. The commission shall satisfy itself that the local group meets the requirements of and will comply with the foregoing provisions and restrictions, and that such medical facility will be a part of the state-wide hospital plan before making such a grant and, after making such a grant, shall work with the hospital organization in developing plans for the location, construction, maintenance, equipping and staffing of the proposed local hospital.

Sec. 6. Grants-of-aid, as specified in the preceding section, shall be made only to hospitals, nurses homes, health centers, clinics and related facilities which are publicly owned and operated by the state or by a political subdivision of the state, including a portion of a supervisors district in counties having two court districts, acting either jointly or severally, including specifically all hospitals established under the provisions of chapter 277, laws of 1944, as now or hereafter amended. Grants shall be made only when the commission shall find and determine that such hospital or other facility is reasonably necessary as a part of the long range state-wide hospital plan, that there exists in the area to be served by same a need for the hospital or other facility, that the proposed hospital or other facility will be located at a place where it will best serve the needs of such area, that the funds available for the construction, erection and equipping of such hospital or other facility, including a site therefor, will be adequate for such purpose, that the hospital or other facility will be erected, equipped, and operated in accordance with the standards prescribed by the commission, and that such institution will continually be publicly owned, operated and controlled.

No payment of money shall be made by the commission unless and until the site, plans and specifications for the location, construction, and equipping of such hospital or related facility or the improvement enlargement or expansion of an existing facility, shall have been approved by the commission.

The commission shall satisfy itself completely that the sources of funds for the permanent maintenance of the hospital is adequate to insure the hospital's continued efficient maintenance and operation on the basis of reasonable charges before a grant-of-aid from the state is made, and shall have the right to inspect the books of local hospitals and to counsel with local management in order to assist in maintaining sound accounting principles, efficient management, and a high standard of service.

The commission shall require said hospitals to maintain at least 10% of its bed capacity if needed for charity patients who are eligible and qualify under the per capita fund for charity hospitalization.

Sec. 7. Federal funds, if available, may be utilized to increase, expand or enlarge any hospital or related facility constructed in part by a grant under this act; provided, however, that such federal funds shall not be included in computing the cost of such construction for the purpose of determining the maximum amount of the grant of state funds. Such state funds, together with locally provided funds, may be used, however, for the purpose of matching any available federal funds. In determining the cost of any such construction, there may be included the fair market value of any real estate, equipment, material or building donated or otherwise made permanently available by any local group, political subdivision or individual, but the value of the services of any such group or person shall not be included.

Sec. 8. The commission shall give first consideration to areas of greatest need in making the initial grants of aid. Not over ten per cent (10%) of any appropriation made for the purpose hereof shall be given as a grant-in-aid by the commission to any one locality or any one local hospital group, but the commission shall seek to make grants of aid for the construction of hospitals of such size as to justify good management, efficient operation, and to attract competent doctors and to provide opportunity for nurse training.

At least ten per cent (10%) of all available state funds shall be allocated to each of the seven congressional districts of the state



for the first year of the biennium following the appropriation; however, during the second year of the biennium, the commission may allocate any and all available money on a basis of need, regardless of the place of origin of the application.

Sec. 9. The commission is authorized to use up to ten per cent (10%) of available funds for the purchase from the United States government of hospital equipment, supplies or accessories, provided, in their judgment, such purchases will result in substantial savings in the development of the state hospital plan, and may grant such equipment, supplies or accessories to a hospital or related facility, at the cost value thereof, in lieu of an equivalent amount of money.

Sec. 10. The commission is authorized to establish an integrated state-wide nurse education program in connection with the state hospital system, the cost of which to be prorated and defrayed by participating hospitals, or from other available sources. It is further authorized to employ qualified personnel to conduct this program and to require, as a condition precedent to making a grant-of-aid to any locality, cooperation with the program of nurse education, provided such program of nurse education does not increase the cost of hospitalization in the locality. The commission is further authorized to work with the board of trustees of state institutions of higher learning in Mississippi, and to make agreements with said board to attain the highest level of nurse education and to keep abreast with the requirements of nurse education.

The commission is further authorized to receive from the local hospitals, private sources, or other sources, funds to further the program of nurse education, and to keep these funds in separate accounts and to disburse them according to rules and regulations established by the commission. Such funds, however, shall be audited annually by the state auditor. Provided, however, that no part of the construction funds appropriated for the building and equipping of hospitals, nurses homes, health centers, clinics or related facilities shall be expended for the nurse education program provided herein.

Sec. 11. The commission is authorized to assist in developing, promoting and encouraging a voluntary pre-payment plan of hospitalization, or hospitalization insurance. The commission is further authorized to cooperate with federal agencies which are now or may subsequently be established, to promote pre-payment hospitalization, and to receive and disburse funds which may be made available to

it from any source whatsoever for the promotion of a pre-payment hospitalization plan.

Sec. 12. The commission is hereby authorized to represent the state in the disposition of the five state charity hospitals, located, respectively, at Jackson, Vicksburg, Meridian, Natchez, and Laurel. The commission shall have authority to negotiate and contract with the municipalities, counties or other political subdivisions near which or in which these charity hospitals are located to establish a program whereby the charity hospitals and their sites may be utilized in establishing a larger, more modern and better equipped hospital. The commission shall have the authority to convey and transfer any or all of these hospitals to any such municipality, county or other political subdivision upon such terms as may be agreed upon.

Any county board of supervisors, or the governing authorities of any municipality may, in carrying out or in furtherance of the provisions of this act, or any program or plan adopted hereunder, as a part of any contribution, cash or otherwise, that may be required by such county or municipality, convey to any municipality, county or other political subdivision or agency of the state any property, real or personal, or any existing hospital facilities or other existing facilities suitable for hospital purposes owned by such county or municipality and not needed by it for governmental purposes, such conveyance to be upon such terms and conditions as may be agreed upon.

Sec. 13. The commission may make a grant-in-aid for use in purchasing or reconstructing or remodeling existing hospital facilities when such facilities would become a part of an immediate expanding hospital program; which program would substantially increase the available hospital facilities in the area.

Sec. 14. The state auditor shall make an annual audit of the accounts and expenditures of the commission, without cost to the commission.

Sec. 15. All disbursements and expenditures of funds appropriated for the purposes of this act shall be signed by the executive director and the chairman of the commission.

Sec. 16. If any line, sentence, paragraph or part of this act be held unconstitutional, such holding shall not affect the remainder of this act, but shall only affect such part so held unconstitutional.

## CHAPTER 436, LAWS 1946

**State Medical Education Board—Duties**

Section 1. There is hereby created a board to be known as the State Medical Education Board to consist of five members, three of whom shall be the dean of the medical school of the University of Mississippi, the executive officer of the State Board of Health, the president of Mississippi State Medical Association, and two members to be appointed by the governor, who shall be qualified electors of the State of Mississippi. The dean of the medical school of the University of Mississippi, the executive officer of the State Board of Health and the president of the Mississippi State Medical Association to serve on the board for terms for which they are appointed, elected or employed by their respective institutions, departments or organizations, and the two members appointed by the governor shall hold office for a term of four years beginning on the first day of April, 1946, and every four years thereafter the governor shall appoint 2 members for a term of 4 years. Vacancies shall be filled by appointment of the governor for the unexpired term.

Sec. 2. The members of the board shall serve without pay but shall be allowed \$7.50 per day expenses and travelling expenses of five cents (5c) per mile for attending meetings of the board or in traveling elsewhere in the discharge of their duties requiring their absence from their respective places of abode, same to be paid upon the approval of the chairman or vice-chairman of the board, out of any funds made available to said board.

Sec. 3. The board may employ a secretary who shall keep the records and minutes of the proceedings of the board and who shall also keep the books, records and accounts of the board, and whose compensation shall not exceed the sum of \$3,600.00 per annum payable monthly. The secretary shall prepare and countersign all checks, vouchers and warrants drawn upon the funds of the board, and the same shall be signed by the chairman of the board. The secretary shall also be the treasurer of the board and shall keep and account for all the funds of the board, and shall execute and file with the board a surety bond in the sum of \$10,000.00, payable to the State of Mississippi, and conditioned upon the faithful performance of his duties and that he shall properly account for all funds coming into his hands as such secretary, the premium on such bond to be paid out of the funds of the board. He shall devote his full time to the duties of his office.



The board may employ one stenographer at such salary as may be fixed by the board, not to exceed \$150.00 per month.

Sec. 4. The dean of the medical school of the State of Mississippi shall be the chairman of the board, and the board shall elect a vice-chairman to serve in his absence or inability. The board shall maintain an office at the University of Mississippi, and shall meet at the said University or elsewhere at least once each month at such time as may be fixed by the board. Special meetings shall be held upon call of the chairman. Three members of the board shall constitute a quorum for the transaction of business, and the board shall keep full, complete and permanent minutes and records of all its proceedings and actions.

Sec. 5. It shall be the duty of the board to receive and pass upon, allow or disallow all applications for loans or scholarships made by students who are bona fide citizens and residents of the State of Mississippi and who desire to become physicians, and who are acceptable for enrollment in a qualified four year medical school. The purpose of such loan shall be to enable such applicants to obtain a standard four year medical education which will qualify them to become licensed, practicing physicians and surgeons within the State of Mississippi. It shall be the duty of the board to make a careful and full investigation of the ability, character and qualifications of each applicant and determine his fitness to become the recipient of such loan or scholarship, and for that purpose the board may propound such examination to each applicant which it deems proper, and the said board may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this act. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of such applicant, to pay his own tuition at such a medical school and the board in granting such loans and scholarships shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's tuition at such a medical school.

The said board shall have authority to grant to each applicant deemed by the board to be qualified to receive the same, a loan or scholarship for the purpose of acquiring a medical education as herein provided for, upon such terms and conditions to be imposed by the board as provided for in this act.

Sec. 6. Applicants who are granted loans or scholarships by the board shall receive a loan not to exceed \$5000.00 to any one applicant to be paid in annual installments not exceeding \$1250.00 per

annum, with which to defray his or her tuition and other expenses in any reputable, accepted and accredited four-year medical college or school in the United States, or a scholarship in such medical college or school for a term not exceeding four years, the cost of such scholarship not to exceed \$5000.00, same to be paid at such time and in such manner as may be determined by the board. The loans and scholarships herein provided shall not exceed the sums herein stated, but they may be prorated in such manner as to pay to the medical school to which any applicant is admitted such funds as are required by that school, and the balance to be paid direct to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the board. The said loans or scholarships to be granted to each applicant shall be based upon the condition that the full amount thereof shall be repaid to the State of Mississippi in cash in full with 4% interest from the date of each payment by the state on such loan or scholarship, same to be payable annually, the first annual payment to be due on or before one year from the date the applicant completes his internship, or same may be repaid to the State of Mississippi in services to be rendered by the applicant by practicing his profession at some place within the State of Mississippi to be approved by the board. One-fifth of the loan or scholarship, together with the interest thereon, to be credited to the applicant for each year of practicing his profession, 75% to be placed within communities of 5000 population or less, according to 1940 census, within the State of Mississippi as herein provided, but the annual interest on the unpaid installments shall be paid each year to the board by the applicant. After the second full year of practice within this state as herein provided, but not before, the said applicant shall be privileged to pay off the whole or any part of the balance of the loan or scholarship, as the case may be, together with accrued interest thereon, and upon such payment shall be relieved from further obligations under his contract for loan or scholarship.

Each applicant before being granted a loan or scholarship shall enter into a contract with the board, which shall be deemed a contract with the State of Mississippi, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him, which said contract shall include such terms and provisions as will carry out the full purpose and intent of this act, and the form thereof shall be prepared and approved by the attorney general of this state, and shall be signed by the chairman of the board, countersigned by the secretary, and shall be signed by the applicant. For the purposes of this

act the disabilities of minority of all applicants granted loans or scholarships hereunder shall be and the same are hereby removed and the said applicants are declared to be of full lawful age for the purpose of entering into the contract hereinabove provided for, and such contract so executed by any applicant is hereby declared to be a valid and binding contract the same as though the said applicant were of the full age of 21 years and upward. The board is hereby vested with full and complete authority and power to sue in its own name any applicant for any balance due the board on any such contract.

Sec. 7. It shall be the duty of the board to contact and make inquiry of such of the four-year medical colleges and schools as herein provided as it deems proper, and make such arrangements and enter into such contracts, within the limitation as to cost as herein provided, for the admission of students granted loans or scholarships by the board, such contracts to be approved by the attorney general of this state, and the money obligations of such contract so made by the board with any such colleges shall be paid for out of funds to be provided by law for such purposes, and all students granted loans or scholarships shall attend a medical school with which the board has entered into a contract, or any accredited four-year medical school or college in which said applicant may obtain admission, and which is approved by the board.

Provided, however, that the board may make loans to applicants for medical education, under the same terms and conditions herein provided, who desire to take their first two-year course at the medical school of University of Mississippi and the other two-year course at some four-year college.

Sec. 8. The board shall have authority to cancel any contracts made between it and any applicant for loans or scholarships upon such cause deemed sufficient by the board. And the board shall have authority to cancel such contracts which it may lawfully cancel made with any of the colleges or schools as herein provided.

Sec. 9. All payments of funds for loans or scholarships hereunder shall be made by requisition of the board signed by the chairman and the secretary directed to the auditor of public accounts, who shall thereupon issue a warrant on the treasury of the State of Mississippi for the amount fixed in the requisition and payable to the person designated thereon, which said warrant upon presentation shall be paid by the treasurer out of any funds appropriated by the legislature for the purposes provided for under this act.



Sec. 10. All funds made available to the board by act of the legislature for the purpose of defraying expenses of the board and the salaries of its secretary and employees shall be paid over and received by the treasurer of this board and by him deposited in some solvent bank within the State of Mississippi and selected by the board, and such funds may be drawn and expended by check or warrant signed by the chairman and attested by the secretary.

Sec. 11. The board shall make a biennial report to the legislature at each session thereof of its activities, loans or scholarships granted, names of persons to whom granted and the institution attended by those receiving the same, the location of the applicants who have received their education and become licensed physicians and surgeons within this state as a result of the said loans and/or scholarships, and where they are practicing, and shall make a full report of all its expenditures for salaries and expenses incurred hereunder.

Sec. 12. It is the purpose and intent of this act to immediately meet the emergency now existing from the shortage of doctors in the State of Mississippi by increasing the number of medical students from Mississippi in the various medical schools, and inducing a sufficient number of the graduates from medical schools to return to Mississippi and practice their profession, thus affording adequate medical care to the people of Mississippi.

## CHAPTER 442, LAWS 1946

### **Create Four Year Medical School**

Section 1. There is hereby created a four year medical school as a department of the University of Mississippi which shall be operated as a class A medical school in accordance with the Council of Medical Education of the American Medical Association.

Sec. 2. That the board of trustees of state institutions of higher learning may decide whether the first two years of the medical course or as much thereof as is possible under the rules of the Council of Medical Education of the American Medical Association shall remain at the University of Mississippi, at Oxford, and the remainder of the medical course shall be located in conjunction with a standardized hospital of not less than 350 beds for teaching purposes.

Sec. 3. That all laws or part of laws in conflict herewith be and the same are hereby repealed.

Sec. 4 That this act shall take effect and be in force from and after such time as the hospital hereinabove mentioned is constructed and

necessary teaching facilities are ready for occupancy, and after the passage of necessary and adequate legislation therefor, and the establishment and placing into operation of a comprehensive state-wide hospital program for the State of Mississippi to such extent as in the judgment of the commission to be appointed under House Bill 430 of the 1946 session of the legislature to assure that the hospitalization program mentioned herein will be reasonably assured to the people of Mississippi; and provided further that the said commission to be appointed under said House Bill 430 is hereby authorized and empowered to determine by resolution spread upon its minutes when the requirements and provisions of this act have been reasonably met.

## **LAWS AND EXTRACTS OF LAWS GOVERNING LICENSING OF PHYSICIANS AND THE PRACTICE OF MEDICINE**

### **A. Licensing of Physicians**

Section 8878, Code of 1942. **"Duty to obtain license.**—Every person who desires to practice medicine must first obtain a license to do so from the State Board of Health:...."

Section 8879. **"How license obtained—diploma required.**—Every person who desires to obtain a license to practice medicine must apply therefor, in writing, to the State Board of Health at least ten days before the date of the examination and must be examined by said board touching his learning on the following branches of medicine, viz: anatomy, chemistry, obstetrics and gynaecology, materia medica and pharmacology, physiology, pathology, surgery, hygiene, physical diagnosis, histology and bacteriology, theory and practice of medicine, diseases of the eye, ear, nose and throat, and if the applicant be found by the board, upon examination, to possess sufficient learning in said branches and to be of good moral character, the board shall at once issue him a license to practice medicine, which shall be signed by all members of the board present at said meeting; provided that no applicant shall be granted a license unless said applicant shall hold a diploma from a reputable medical college that requires a four years' course of at least thirty-two weeks for each session."

It is further provided in this section that an applicant may take an examination on the first two years of his medical course and return after the completion of his four years' course and take the examinations on the last two years of medicine.

The Board of Health holds examinations for license to practice medicine on two days in the latter portion of June each year in the city of Jackson, Mississippi. The examination fee is \$10.25.

Section 8884. **License must be recorded**—This section requires that each license must be recorded with the Circuit Clerk of the county in which the licensee resides within sixty days from the date of the issuance of the license or it becomes void. Also, that “when-ever the licensee shall change the county of his residence and of usual practice, he must, under like penalty, file the original or certified copy of the license, or of the record thereof, in the office of said clerk, in the county into which he shall move and practice, within sixty days of the time of such removal, to be there recorded in like manner and under like penalty.”

Section 8885 provides that if a license to practice medicine be lost, the State Board of Health may in its discretion issue a new license.

Section 8886 provides that the Secretary of the State Board of Health may issue a temporary license to anyone to practice medicine on presentation of medical diploma and application to take the examinations, which temporary license will be good until the next regular meeting of the Board for holding examinations.

Section 8889. “**Non-residents.**—Licensed physicians who reside without this state and whose practice of medicine extends into it, may obtain license to practice medicine in this state without being examined as to their learning, by presenting a written application for license, in the form prescribed, to the State Board of Health; . . .”

This license is good only in the county designated on the same and must be recorded in the office of the Circuit Clerk as provided for regular license.

Section 8890. “. . . The Board of Health may grant license to practice medicine without examination as to learning to graduates in medicine from another state, provided the requirements in such state are equal to those required by the State Board of Health of this state; and it is further provided that the State Board of Health of Mississippi may affiliate with the national board of medical examiners in granting license to practice medicine in Mississippi.”



## **B. Practice of Medicine**

Section 8888. **“Practice of Medicine Defined**—The practice of medicine shall mean to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, profit or compensation; provided, that nothing in this section shall apply to females engaged solely in the practice of midwifery.

### **Penalties for Practicing Medicine Without License**

“2332 If any person shall practice as an attorney and counsellor-at-law, or shall practice as a physician or surgeon, or shall practice as a dentist, or shall practice as a pharmacist, without having first been examined and obtained a license as required by law, he shall, on conviction, of the first offense, be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail not less than three months or more than twelve months or both; and such person, upon conviction of the second offense against this act, shall be punished by fine of not less than Two Hundred Dollars (\$200.00) or more than Five Hundred Dollars (\$500.00) or by imprisonment in the penitentiary not less than one year or more than two years, and such person, upon conviction of any succeeding offense, shall be punished in the discretion of the court; provided, however, that such punishment shall in no case exceed the payment of a fine of Five Thousand Dollars (\$5,000.00) or imprisonment for five years.

### **The State Board of Health May Suspend or Revoke a Medical License**

8893—Code of 1942, provides that the State Board of Health “may on its own initiative or on complaint suspend or revoke for any cause named below any license that it has issued that authorized any person to practice medicine, osteopathy, or any other method of preventing,

diagnosing, relieving, caring for, or curing disease, injury, or other bodily conditions; and said board is furthermore authorized and empowered to direct the cancellation in the office of the clerk of any circuit court of any record of any license so suspended or revoked.

“(a) The causes for which a license may be suspended or revoked and the record of such license cancelled are as follows:

“(1) The habitual personal use of opium, of coca leaves, of cannabis, or of any preparation or derivative of any of them, hereinafter referred to as ‘narcotic drugs.’

“(2) Administering, dispensing, or prescribing any narcotic drug aforesaid otherwise than in the course of legitimate professional practice and for the prevention, alleviation, or cure of disease or for the relief of suffering, and not primarily for the purpose of catering to the cravings of an addict.

“(3) Conviction of violation of any federal or state law regulating the possession, distribution, or use of any narcotic drug aforesaid.

“(4) The use of alcohol or of any beverage or liquor containing alcohol, or of any drug, in such manner as incapacitates the licentiate for professional practice.

“(5) Procuring, or attemptation to procure, or pretending to procure, or aiding or abetting in procuring or pretending to procure, an abortion that is not necessary to preserve the life of a pregnant woman.

“(6) Conviction of a misdemeanor involving moral turpitude or of a felony.

“(7) Fraud or deception in obtaining a license to practice.”

### **C. Rules and Regulations**

(a) **Rule adopted October 22, 1917**—“After January 1, 1919, all applicants for license to practice medicine in the state of Mississippi must have graduated from a Class ‘A’ medical school, as classified by the American Medical Association.”

(b) **Reciprocity Regulations adopted October 22, 1917**—“All applicants desiring to obtain reciprocal license in the State of Mississippi must comply with the following requirements:

"1. The applicant must be a graduate of a reputable medical college. This includes only those colleges in Class A and B as classified by the American Medical Association which requires the standard as specified in the Medical Practice Act, (Medical colleges that require a four years' course of at least thirty-two weeks for each session.)

"2. The applicant must obtain his license in the state from which he comes, by written examination, and not by registration, and he must have stood said examination for license, after date of graduation.

"3. The applicant must obtain, on the application blank, the endorsement of the secretary of the board of medical examiners of the state in which the applicant holds license.

"4. The certificate on back of application blank must be filled in by the secretaries of the county and state medical societies, showing that said applicant has been a member in good standing for the past twelve months.

"5. When a student has obtained a medical degree from a Class A or B Medical college, and has as much as one year's work as interne in a reputable hospital he will be granted reciprocal license upon presenting a certificate from the superintendent of the hospital in which he has served as interne, provided said physician who has served as interne presents application for reciprocity immediately upon finishing his internship following graduation in medicine and before the regular practice of medicine, and endorsement from two reputable physicians which will be accepted in lieu of membership in county and state society, but said applicant must present a certificate showing that he has paid fee and applied for membership in county society of the county in Mississippi in which said applicant will practice.

"6. All applicants for reciprocal license must present recommendations as to moral character from at least two reputable physicians.

"7. No applicant will be granted license through reciprocity in the State of Mississippi, who has failed on the examinations before the State Board of Health within five years preceding the date on which said applicant applies for reciprocity.

"8. Applicants may obtain temporary license, pending the meeting of the Board, by presenting the regular blank properly filled out



in every detail, and paying a fee of \$50.50, such license to be void after the first meeting of the Board. If the Board shall approve the applicant's credentials, he will be issued a permanent license.

"9. Fee must be paid by postoffice or express money order, or New York or New Orleans exchange. Personal checks will not be accepted.

"10. Affidavit must be made as to all the facts contained on the blank."

(c) Rule adopted December 5, 1939.—**Graduates of Foreign Schools**—"It is hereby ordered by the Mississippi State Board of Health

"A. That, from this date, graduates of only recognized medical schools in the United States and Canada be permitted to take the examinations for license to practice medicine in this state; and that graduates of only medical schools in the United States and Canada heretofore graded A and B be granted medical license by reciprocity in the State of Mississippi.

"B. That if any individual makes application for license to practice medicine in Mississippi who is a graduate of a foreign medical school, he or she must show satisfactory proof to this Board:

"First: That he or she is a bona fide citizen of the United States.

"Second: That the applicant cannot be recognized unless the Council on Medical Education of the American Medical Association shall certify that the school from which the applicant graduated is or was at the time he or she graduated a standard medical school.

"Third: That the applicant must have spent a minimum of one year as an interne or resident in an approved hospital in the United States or Canada.

"C. That the applicant must then pass before this Board satisfactory written examination for license to practice medicine.

"D. That this regulation shall supersede a resolution passed by this Board on June 26, 1934 with reference to licensing of graduates of foreign medical schools."

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